

Planning Committee – 7 December 2016

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

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Julie Moore (Monkton Heathfield Project Team Leader), Tim Burton (Assistant Director-Planning and Environment), Martin Evans (Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Coles and Councillor Berry. Tim Baker, Strategic Land Partnership. Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5 pm)

108. Declarations of Interest

Councillors M Adkins and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared personal interests as a trustee to Hestercombe House and Gardens, a trustee to the Somerset Building Preservation Trust and as a Director of Apple FM. 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 Nicholls declared a personal interests as a Member of Comeytrowe Parish Council and as a Member of the Fire Brigade Union. Councillor Martin-Scott declared personal interests as a trustee to Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. Councillor Wren declared personal interest as he was Clerk to Milverton Parish Council.

109. 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 **outline planning permission be granted** for the under-mentioned development:-

Outline planning application for residential development (up to 320 dwellings), green infrastructure including Public Open Space, associated works and demolition of existing buildings, with all matters reserved at Hartnells Farm, Monkton Heathfield Road, Monkton Heathfield (Resubmission of application 48/13/0008)

Reported this application.

Resolved that subject to the resolution of detailed highway issues and the applicants entering into a Section 106 Legal Agreement to secure the following:-

- (a) Financial contributions of £1 million towards the provision of the Western Relief Road;
- (b) 25% affordable housing;
- (c) The agreement of a cascade regarding the affordable housing offer to provide additional financial contributions towards the cost of the construction of the Western Relief Road should it be required in the future;
- (d) Drainage contributions to enable (i) the completion of a flood risk option study to identify an appropriate solution to overcome the drainage restrictions for this site (£50,000 maximum); and (ii) the delivery of the agreed surface water drainage solution (£450,000 maximum);
- (e) Various highway works as outlined in the application;
- (f) A Travel Plan to reduce vehicular traffic movements from the new dwellings;
- (g) Provision and maintenance of public open space and children's play areas; and
- (h) On site provision of Integrated Public Art;

the Assistant Director - Planning and Environment 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) (i) The development shall be carried out in accordance with the agreed phasing plan; (ii) Before any phase of the development hereby permitted is commenced detailed drawings of the layout, scale, appearance, access, boundary treatments, and landscaping shall be submitted to, and approved in writing by, the Local Planning Authority as required for that phase (hereinafter called "the reserved matters"). The development shall thereafter be carried out in accordance with the detailed drawings; (iii) Application for approval of the reserved matters under (ii) above relating to the first phase of development shall be made to the Local Planning Authority within three years of this planning permission and application for approval of reserved matters under (ii) above relating to the remaining phases shall be made to the Local Planning Authority within 10 years of the date of this permission; (iv) The development hereby permitted shall be begun either, not later than the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the final reserved matters within any agreed phase whichever is the later;
- (b) No development shall take place within the site until there has been submitted to, and approved in writing by, the Local Planning Authority, a Design Code for the site in its entirety (herein after called the "Design

Code". The Design Code shall be submitted prior to the submission of any applications for reserved matters. The Design Code shall include detailed coding's for:

- Architectural and sustainable construction principles;
- Character areas, street types and street materials;
- Block types and block principles;
- Internal highways, cycleways and footpaths;
- Cycle and car parking principles;
- Building types, heights and materials;
- Surface treatments for all areas and
- Boundary treatments;
- Landscaping principles;
- Children's play areas, public open space and allotments;

The Design Code shall be based upon the illustrated layout No STRA2004/4001;

- (c) Applications for reserved matters shall accord with the approved Design Code unless an alternative is first agreed in writing by the Local Planning Authority;
- (d) The development hereby permitted shall be carried out in strict accordance with the details of the approved Flood Risk Assessment (FRA – prepared by WSP Consulting and dated February 2016); Prior to any reserved matters approval, a detailed drainage scheme for that phase, plot or parcel of land shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall include details of the phasing and maintenance of all drainage infrastructure. The development shall be carried out in strict accordance with the approved details and thereafter maintained in full working condition;
- (e) (i) Prior to the commencement of work on site a Landscape Strategy and Management Plan for the whole site shall be submitted to, and approved in writing by, the Local Planning Authority. The Landscape Strategy and Management Plan shall include details of the proposed structural and internal landscaping, the maintenance of all open spaces including flood attenuation features and the proposed timings for the provision of the landscaping works. The Landscape and Management Plan shall include details of the extent and timing of grass cutting, shrub pruning and tree maintenance; (ii) Prior to the commencement of each phase of development a detailed Landscape and Management Plan for that phase, based on the agreed plan for the whole site, shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed Landscape Strategy and Management Plan shall thereafter be implemented on site in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to the commencement of the first phase of development details of the children's play areas and public open space shall be submitted to, and

approved in writing by, the Local Planning Authority. Such details shall be in compliance with the requirements of Taunton Deane Draft Site Allocations and Development Management Plan Local Plan Policy C2 (current standards at the time of this permission are contained within Appendix E) and include details for the timing of the provision of those facilities and their subsequent maintenance. Once approved the Children's play areas and public open space shall be provided in and maintained in strict accordance with the approved details;

- (g) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 ("the 2015 Order") (or any Order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 2 Class A of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (h) No development shall take place in any phase until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for that phase 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 in any phase shall be carried out at all times in accordance with the agreed scheme for that phase or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (i) Prior to the commencement of construction works on site a foul and surface water drainage strategy and timetable for its provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved drainage scheme shall be thereafter be completed in accordance with the approved details;
- (j) Prior to the submission of any reserved matters application for the development of the land adjacent to Hartnells Farm listed building, detailed plans showing an open area adjacent to Hartnells Farm listed building shall be submitted to, and approved in writing by, the Local Planning Authority. The plans shall be based on the details on the illustrative Masterplan No 3201 and shall include the timing for its provision on site. Once agreed in writing the open area shall be laid out in accordance with the approved details and thereafter be maintained as such;
- (k) The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces in any phase shall be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of the first dwelling in any phase, the roads etc. within that phase shall have been provided in strict accordance with the approved details unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;

- (l) Prior to the commencement of any construction work on site, other than any required tree planting, Somerset Bank creation and attenuation ponds, details of a junction between the proposed service road and the A3259 highway, based on the submitted plan No 1492-PHL-107-A and/or 1492-PHL-108-A, shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings hereby approved in any phase of the development shall be occupied until the junction has been constructed in strict accordance with those approved details and is open for use by traffic generated by the development;
- (m) No dwelling shall be occupied until that part of the service road or drive which gives access to it has been constructed in accordance with the approved plans;
- (n) No dwelling shall be occupied in any phase until space has been laid out within that phase of the site for cars to be parked off road and where appropriate for vehicles to turn so that they may enter and leave the site in forward gear;
- (o) Prior to the commencement of construction works on site in any phase of development, full details of the proposed cycle parking for each dwelling within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include covered and secure storage facilities for cycles. Prior to the occupation of any dwelling hereby permitted within that phase the approved covered and secure storage facilities for cycles for that dwelling shall be provided in accordance with the approved details and shall thereafter be maintained unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (p) The proposed roads, 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 carriageway and footpath;
- (q) No part of the access drive shall be laid out at a gradient steeper than 1 in 10;
- (r) No work, other than the agreed tree planting and Somerset Banks, shall commence on the development hereby permitted until details/ specifications of the proposed off-site highways works based on drawing Nos 1492-PHL-104-A, 1492-PHL-107-A and/ or 1492-PHL-108 A have been submitted to, and approved in writing by, the Local Planning Authority. These works shall then be fully constructed in accordance with the approved details, before any dwelling hereby permitted is first brought into use;
- (s) (i) Other than the approved tree planting and Somerset Banks, no development shall commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the

Local Planning Authority. The works shall thereafter be carried out strictly in accordance with the approved plan unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;

(ii) The Construction Environmental Management Plan shall reflect the phased delivery of the development and include:-

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network;

(t) 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 for that phase of development 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;
- 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 should 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 shall also be provided by the developer which is signed by someone 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;

(u) Prior to the commencement of development works on site details of a wildlife mitigation scheme and a separate Landscape and Ecology Management Plan (LEMP) for the whole site, incorporating the 'Tree Planting Plan Land at Hartnell's Farm Development Site', dated 27 April 2015 prepared by EPS Ecology'(which includes details of the locations, planting scheme and layout of the habitat creation enhancement), shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP will include the following:-

- Retention of the existing hedgerows on the boundaries of the development facing open countryside. These can be incorporated into the buffer planting;
- Plans indicating the location, details and timing for the provision of Somerset Banks (based on the Thurley Associates (2013) document) around the northern and western boundaries of the residential areas of the site and (based on the details contained within the EPS tree planting plan dated 27 April 2015) around the eastern edge of the buffer planting, unless alternative details are first submitted to, and approved in writing by, the Local Planning Authority. Once the details are approved the Somerset Banks shall be installed before commencement of the built development hereby approved unless an alternative timing is first submitted to, and approved in writing by, the Local Planning Authority;
- The provision and maintenance of a minimum of 20m wide woodland buffer and agreed Somerset Banks, as set out in the EPS tree planting plan dated

27 April 2015. Once the details are approved the buffer planting and Somerset Banks shall be installed before commencement of the proposed built development unless an alternative timing is first submitted to, and approved in writing by, the Local Planning Authority;

- The provision and maintenance of woodland areas as set out in the EPS tree planting plan dated 27 April 2015;

(u) Prior to the commencement of works on site a Wildlife Management Plan for the whole development site shall be submitted to, and approved in writing by, the Local Planning Authority. The Wildlife Management Plan shall include the appropriate management of the woodland planting areas for Lesser Horseshoe Bats and shall include measures to promote the establishment of the planting to a favourable structure for Lesser Horseshoe Bats, such as future thinning and the replacement of 'nurse crop' species (such as Poplar and Norway Spruce) with Oak and other native species to give a more diverse age range.

The wildlife mitigation planting areas shall thereafter be managed in accordance with the approved Wildlife Management Plan;

(v) Prior to the commencement of works on site full details of the paths and cycleways into and through the woodland areas shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall ensure that all paths and cycleways from outside the habitat buffer / corridor shall be constructed diagonally rather than at right angles, shall not exceed 3m in width and shall not be lit by artificial lighting at any time;

(w) Prior to the commencement of works on site full details of a Lighting Strategy shall be submitted to, and approved in writing by, the Local Planning Authority; This strategy shall follow the design suitable for Lesser Horseshoe Bats produced by Somerset County Council (Bennett, 2012) and incorporate the following measures:-

- There will be no routine night-time working during the construction stage of the development;
- Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats. All bat corridors shall not exceed 0.1 Lux which is the recommended light level for Horseshoe Bats in corridors through development (Natural England, 2010);
- Lighting will be of the LED type which is highly directional;

(x) The gable ends of dwellings or other buildings facing woodland habitat creation will not have windows in order to reduce any artificial lighting affecting the behaviour of bats in new and existing habitat;

(y) There shall be no external artificial lighting on ends of dwellings or other buildings facing the woodland habitat creation areas or gardens adjacent to woodland habitat creation areas unless details have first been submitted to, and approved in writing by, the Local Planning Authority;

(z) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- 1001 Rev B Red Line Plan;
- 3201 Illustrative Masterplan;
- 4001 Alternative Illustrative Masterplan;
- 4001 Phasing Plan attached to agents e-mail dated 6 December 2016;
- 3501 Parameter Plan;
- 1492-PHL-104 Rev A – Signal Controlled Junction Indicative layout –March 2016;
- 1492-PHL-107 Rev A- 22.8m ICD Roundabout General Arrangement – March 2016;
- 1492-PHL-108 Rev A-Preliminary Highway Layout – March 2016;
- 1492-PHL-112 Rev A-Roundabout Option 2 General Arrangement – March 2016;
- 1402-PDL-01J Surface water strategy;1492-PDL-02E Foul water drainage strategy;

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

48/16/0043

Demolition of dwelling and outbuildings and erection of replacement dwelling with detached triple garage and detached stable block at Torrington, Goosenford

Reasons

1. The proposed replacement dwelling would be substantially larger in size than the existing dwelling and it is unclear from the detail submitted as to whether it would be uneconomic to bring the existing dwelling to an acceptable state of repair. In particular, the size of the replacement dwelling proposed within the submitted Economic Justification Statement does not appear to correlate with the actual size of the dwelling shown on the submitted plans. Furthermore, the estimated financial details contained within the report appear to be based on proposed extension works rather than solely relating to estimated renovation/repair costs. The development is therefore contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.

2. The proposed development, by virtue of the overall size and scale proposed, would constitute a new built form that is far larger than any other dwelling within the immediate area. This would create a visually over-dominant form of development, which would not be commensurate with the character or appearance of the area or its setting and would be overbearing to the neighbour causing overshadowing. Furthermore, the extent of the proposed curtilage area is unclear, as the application 'red-line' extends the full

length of the plot beyond that of adjoining neighbours into the open countryside to the south. The development is therefore considered to be contrary to Policies DM1 and DM2 of the Taunton Deane Core Strategy and Policy D7 of the Site Allocations and Development Management Plan.

3. An Ecology report has been submitted to accompany the application, which identified the presence of bats on site. However, it is unclear as to whether additional bat surveys were carried out between June-August 2016 (during the bat maternity period), in accordance with the recommendations of the report. As such, it is not known whether a bat maternity colony resides on site, which means it is not possible to ascertain whether the development would have a detrimental impact upon protected species. In the absence of additional survey works being conducted, the information submitted to accompany the application is deemed to be insufficient. The development would therefore be contrary to Policies CP8 and DM1 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 had worked in a positive and pro-active way with the applicant and 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.)

110. Appeals

Reported that one appeal had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 6.25 pm)