

Planning Committee – 5 April 2017

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors M Adkins, Mrs Adkins, Booth, Brown, Coles, Gage, Morrell,
Nicholls, Mrs Reed, Sully, Townsend, Watson and Wren

Officers: - Matthew Bale (Area Planning Manager), Bryn Kitching (Area Planning
Manager), Gareth Clifford (Principal Planning Officer), John Burton
(Principal Planning Officer), Martin Evans (Solicitor, Shape Partnership
Services), Tracey Meadows (Democratic Services Officer)

Also present: David Evans (Economic Development Manager), Councillor Farbahi
and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5 pm)

16. Apologies/Substitutions

Apologies: Councillors C Hill, Martin-Scott and Wedderkopp

Substitutions: Councillor Coles for Councillor Wedderkopp
Councillor Gage for Councillor C Hill
Councillor Sully for Councillor Martin-Scott

17. Minutes

The minutes of the meeting of the Planning Committee held on the 1 March
2017 were taken as read and were signed.

18. Declarations of Interest

Councillors M Adkins and Coles declared personal interests as Members of
Somerset County Council. Councillor Coles also declared a personal interest
as he was a member of the Devon and Somerset Fire and Rescue Authority.
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
personal interests as a Member of Comeytrowe Parish Council and as a
Member of the Fire Brigade Union. Councillor Wren declared a personal
interest as he was Clerk to Milverton Parish Council. Councillor Bowrah
declared that he was the Ward Member for and had received correspondence
in respect of application No. 43/17/0002. He had also received
correspondence on application No. 06/16/0036 on behalf of Taylor Wimpey
Homes and declared that he had not 'fettered his discretion'. Councillor
Brown declared that he had spoken to residents on application Nos

43/16/0130 and 43/17/0002, and declared that he had not 'fettered his discretion'. Councillor Mrs Reed declared that she had 'fettered her discretion' on application Nos 43/16/0130 and 43/17/0002. She stated that she would leave the room whilst the applications were debated and voted on. Councillor Sully declared that he had spoken to residents on application No. 38/16/0227, but had not 'fettered his discretion'. Councillor Watson declared that he was the Ward Member for application Nos 06/16/0036, 11/17/0006 and 53/16/0012. He had not 'fettered his discretion'. He also declared that he was a member of the Bishops Lydeard and Cothelstone and Combe Florey Parish Councils, and that he had not taken part in any discussions regarding these applications. All Councillors declared that they had received correspondence from Taylor Wimpey.

19. 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 development:-

43/16/0130

Construction of additional tennis court and associated works, including erection of fencing and alterations to access arrangements at Wellington Tennis Club, Courtland Road, Wellington (resubmission of 43/16/0066)

- (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 0031-AN 03 Rev 2, Proposed Detail Plan;
 - (A1) DrNo 0031-AN 04 Rev 2, Proposed Elevations;
 - (A3) DrNo 0031-AN 02 Rev 4 Proposed Site/Location Plan;
- (c) Construction of the hereby approved tennis court shall not commence until the alterations to the access arrangements have been completed and the works associated with the relocation of the football pitch (i.e. relocation of the two goals and the protective netting, drainage being provided in association with the goal area at the northern end of the pitch and the cutting back of foliage on the north-eastern side of the repositioned football pitch) have also been completed;
- (d) No development shall take place until details/samples of the materials to be used in the construction of the external surfaces of the new tennis court and run-off area hereby permitted have been 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;

- (e) Within two months of the felling of the Birch Tree (annotated TR2 on submitted drawing No. 0031-AN 02 Rev 4), a replacement tree must be planted as a 'feathered' or 'standard' tree, with a minimum trunk girth 8-10cm in accordance with BS 4428:1989. Details of this tree, its exact location and the method of planting, together with measures for its protection during the course of implementing this approval, shall have been previously submitted to, and agreed in writing by, the Local Planning Authority;
- (f) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

Note: The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012;

- (g) No form of lighting or floodlighting shall be used or placed at the site in connection with this permission hereby granted.

(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.)

48/16/0046

Erection of agricultural building for the housing of livestock at Quantock Farm, West Monkton, Taunton

- (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:-

Proposed New Steel Framed Cubicle Building for Dairy Cows dated 7 July 2016;

- (c) An earth mound shall be constructed and maintained in the location shown on the submitted plan to a height of not less than 2 m in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and shall be provided within three months of the commencement of any part of the development;
- (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 implemented prior to the building being brought into use and shall thereafter be maintained as such.

(Note to applicant:- Applicant was informed 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.)

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

06/16/0036

Erection of 3 No. dwellings with associated car parking, landscaping and drainage infrastructure at Station Farm, Station Road, Bishops Lydeard

Reason

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy', SP1 'Sustainable Development Locations' and SP4 'Realising the vision for rural areas' together with Site Allocations and Development Management Policy MAJ5 'Land west of Bishops Lydeard Station' in that it would lead to the loss of a site allocated for recreational, tourism, commercial and other employment generating uses which would represent an unsustainable form of development in this Major Rural Centre. The proposal does not support Objective 3 (Employment: Enhance opportunities for employment in the Parishes by maintaining and increasing the range, extent and scale of commercial and light industrial premises) or Objective 4 (Tourism: Facilitate opportunities to capitalise on the presence of the Quantock Hills AONB and West Somerset Railway in the Parishes) of the adopted Bishops Lydeard and Cothelstone Neighbourhood Plan.

(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 applicants and

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

11/17/0006

Replacement of agricultural building with the erection of a single unit of self-catering holiday accommodation for disabled visitors at The Old Poultry House, Trebles Holford (resubmission of 11/16/0010)

Reason

The proposed development site lies outside the Development Boundary Limits in an Open Countryside Location and is therefore considered distant from services and facilities. As a consequence, occupiers of the proposed development will be dependent on their private vehicles. Such fostering of growth in the need to travel would be contrary to advice given in the National Planning Policy Framework (NPPF) and Policy CP1 (Climate Change) of the Taunton Deane Core Strategy. Furthermore, no evidence has been submitted to justify the siting of the building in this location, in open countryside, and as to why there are no other suitable sites that could accommodate this proposal. It is not considered that the use of the building and site is sufficient to outweigh the location, outside of defined settlement limits, and as such, the proposal would therefore not accord with Policy DM2 (Development in the Countryside) and 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 had worked in a positive and pro-active way with the applicant and entered into pre-application discussions 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.)

42/16/0040

Erection of gospel hall and associated external works at land at Killams Lane, Trull

Reasons

1. The approach roads by reason of their restricted width and poor alignment and lack of footway provision are considered unsuitable to serve as a means of access for the type and volume of traffic likely to be generated by the proposed development. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy CP6 of the Taunton Deane District Local Plan/Core Strategy (adopted 2011-2028);
2. The site is within the identified Green Wedge. The site provides part of a wildlife corridor and forms a buffer between the settlement and the M5

Motorway. The maintenance of these objectives for the Green Wedge would be harmed by the proposed development, contrary to Policy CP8 of the Taunton Deane Core Strategy;

3. The wildlife survey effort is considered to be insufficient to confirm that there would not be an unacceptable impact upon bats. The proposal is, therefore, contrary to Policies DM1 and CP8 of the Taunton Deane Core Strategy.

43/17/0002

Outline Application with all matters reserved, except for means of access, for the erection of up to 205 dwellings and up to 60 apartments with care (Class C2), with public open space, landscaping, sustainable drainage systems and vehicular access points for Exeter Road on land to the west of Bagley Road, Rockwell Green

Reasons

1. The proposed development is outside the defined settlement limit of Wellington and Rockwell Green. It would result in an unplanned extension of the town, preventing a full assessment of the most sustainable options for future growth. It is, therefore contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy;

The site is too far distanced from Rockwell Green Primary School and parts of the development are too far distanced from local shopping facilities for residents of the proposed development not to be reliant on private cars to access these facilities, contrary to Policy A5 of the Taunton Deane Site Allocations and Development Management Plan. In any case, there is insufficient capacity at Rockwell Green Primary School to accommodate the likely increase in pupils that would result from the proposed development and future occupiers would need to travel even greater distances to primary school or displace existing residents of the area. Accordingly, the proposal is in serious conflict with Policy A5 as the access to primary education cannot be mitigated. The development is, therefore, not sustainable within the meaning of the National Planning Policy Framework (NPPF);

2. Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the NPPF and Policy DM1 of the Taunton Deane District Core Strategy (adopted 2011-2028) since the proposed development is likely to result in a severe transport impact, which could be prejudicial to the safety, amenity and convenience of highway users;
3. Insufficient information has been submitted to demonstrate that the proposed development will not result in harm to European Protected Species. The development is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy;

4. There is no mechanism in place to secure appropriate affordable housing provision, children's play facilities or an acceptable travel plan as part of the development. The proposal is, therefore, contrary to Policy CP4 of the Taunton Deane Core Strategy and Policies A2 and C2 of the Taunton Deane Site Allocations and Development Management Plan;

(3) That the following application **be deferred** for the reasons stated:-

38/16/0227

Change of use of land for the siting of agricultural workers accommodation to siting of holiday accommodation on land to the north of Cutliffe Farm, Sherford, Taunton

Reasons

- The status/lawfulness of the existing caravans;
- Whether access from the site to Sherford Road/Mountfields Road could be prevented;
- Comments from Economic Development;
- Confirmation of the size of the site and whether 13 vans could legally be stationed on the site for holiday purposes;
- Provision of photographs/visual assessment from the surrounding area (mid-distance views);
- Clarification of facilities for ablutions/the need for further drainage infrastructure; and
- Licensing to be informed of the concerns of Members over the proximity of caravans/lack of facilities.

20. **Outline planning application with all matters reserved, except for access, for a residential development of up to 30 No. dwellings, 3 No. live/works units, public open space, landscaping and associated highways, engineering and infrastructure works on land east of North and West Villas, Dene Road, Cotford St Luke (53/16/0012)**

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Legal Agreement to secure the following:-

- 25% (8 No.) of the dwellings as affordable housing (of which 60% social rented, 40% intermediate);
- The ongoing maintenance of the public open space;
- The approval and construction of the access, in general accordance with drawing number SK02a;
- Changes to the highway at North Villas to change priority, accommodate the site access and deliver pedestrian provision generally in accordance with drawing number SK02a;

- Traffic calming on North Villas generally in accordance with drawing number SK02a; and
- The implementation of an agreed travel plan;

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) Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters 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) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo LOC01 Rev A Location Plan;
- (A1) DrNo CL01 Rev C Concept Layout;
- (A4) DrNo SK02 rev D Proposed Highway General Arrangement;
- (A4) DrNo SK02a rev D Proposed Access layout General Arrangement;

- (c) The details submitted in accordance with condition (a) of this planning permission shall include full details of the proposed children’s play area, including the layout of the area and the equipment to be installed. The approved details shall be implemented and made available for use by the public prior to the occupation of the 20th dwelling hereby permitted and shall thereafter be maintained as such;

- (d) Details of a strategy to protect wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy’s submitted report, dated May 2015 and up to date survey and include:-

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
3. Measures for the retention and replacement and enhancement of places of rest for the species; and
4. Up to date eDNA testing for Great Crested Newts;

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 bat and bird boxes and related accesses have been fully implemented;

(e) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall ensure that surface water run-off post development is attenuated on site and discharged at a rate and volume no greater than greenfield run-off rates and volumes. Such works shall be carried out in accordance with the approved details. These details shall include:-

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases;
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 m minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which shall include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes both on and off site; Note - no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 year (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties;
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development;

(f) A pedestrian/cycle link to the adjoining land shall be provided up to the southern site boundary in accordance with details that shall be submitted to, and approved in writing by, the Local Planning Authority pursuant to condition (a). The route shall be made available for use by the public such that the public can pass and re-pass right up to the site boundary and onto

adjoining land prior to the occupation of the 20th dwelling and shall thereafter be maintained as such;

(g) In respect of each live-work unit hereby permitted:-

The details submitted and approved pursuant to condition (a) (submission of reserved matters) shall clearly identify the 'business floor space' and 'residential floor space' for each unit;

The residential floor space shall not be occupied until the associated business floor space is fully fitted and capable of use;

The occupation of the residential floor space shall be limited to a person solely or mainly working within the business floor space, their spouse (or partner) and to any resident dependants or relatives living together as a single family unit;

The occupation of the business floor space shall be limited to a person who resides in the residential floor space connected with that unit;

The business floor space shall be used only for purposes falling within Classes B1 or D1 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

(h) No more than 30 dwellings and 3 live-work units shall be erected on the site;

(i) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to, and approved by, the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;

The road surface and footways shall be completely finished and dressed within six months of the occupation of 85% of the dwellings (excluding live-work units) hereby permitted;

- (j) The applicant shall ensure that all construction vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the completion of construction;
- (k) (i) The planting details submitted pursuant to condition (a) of this permission shall include a phasing programme for the implementation of the landscaping;
- (ii) The scheme shall be completely carried out in accordance with the approved phasing programme;
- (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.

21. Appeals

Reported that seven appeal decisions and two appeals had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 8.35 pm)