

Planning Committee – 10 October 2018

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

Officers: - Tim Burton (Assistant Director Planning and Environment), Bryn
Kitching (Planning Manager), Gareth Clifford (Planning Officer), Martin
Evans (Solicitor, Shape Partnership Services) and Tracey Meadows
(Democratic Services Officer)

Also present: Councillors Berry, Habgood, Mrs Warmington and Mrs A Elder,
Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

71. Apologies/substitutions

Apologies: Councillors Gage and C Hill

Substitutions: Councillor Hall for Councillor Gage
Councillor Cavill for Councillor C Hill

72. Minutes

The minutes of the meeting of the Planning Committee held on 18 July and 15 August 2018 were taken as read and were signed.

73. Public Question Time

Councillor Coles stated that in March 2015 the then DCLG put out a nationally described space standard. I just wanted to ensure that for all new dwellings in the Borough we are complying with that recommendation.

The reply from the Planning Manager, Bryn Kitching was that the national space standard had been taken on board by the site allocations development plan document so we have adopted them as a policy for all applications in Taunton Deane.

74. Declarations of Interest

Councillor Bowrah declared that he was Ward Councillor for application 43/15/0006, he declared that he had not 'fettered his discretion'. Councillor Townsend declared that he was Ward and Parish Councillor for application No. 20/18/0018. He declared that this item had been discussed at the Parish Council meetings on more than one occasion and he had been careful to not 'fetter his discretion' in any way. Councillor Watson declared that he was the

Ward and Parish Councillor for Bishops Lydeard. For application No. 06/17/0033. He declared that he had not 'fettered his discretion'. Councillor Brown declared that he had received a phone call on application No. 43/15/0006. He declared that he had not 'fettered his discretion'.

75. 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:-

20/18/0018

Erection of 1 No. detached dwelling with associated works on land at Copper Hill, Lodes Lane, Kingston St Mary (resubmission of 20/17/001)

- (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 2017019 001 Location and Block Plans;
 - (A3) DrNo 2017019 002 Site Survey;
 - (A3) DrNo 2017019 004 Proposed Site Layout Plan;
 - (A3) DrNo 2017019 005 Proposed Floor Plans & Elevations;
- (c) Details of the proposed boundary treatments on the application site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved;
- (d) (i) A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (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;

- (e) Prior to the wall construction of the building, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (f) 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 Quantock Ecology's submitted reports (Ecological assessment and Great crested newt survey) both dated July 2018 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
- 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 bird and bat boxes and related accesses have been fully implemented;
- (g) 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 extensions or outbuildings shall be constructed without the further grant of planning permission;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that Wessex Water will not permit the build over of public shared sewers by new properties.

Your contractor must undertake private survey to determine the precise location of the existing 150mm public foul sewer which crosses the site. Easements are usually 3 metres either side of public sewer, subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements. One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. You have indicated that surface water will be disposed of via soakaway. The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work. Soakaways will be subject to Building Regulations; (3) Applicant was advised that 1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. 2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) 3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (4) Applicant was advised that the developer of the site is advised that the existing buildings on the site may be constructed from harmful materials (such as asbestos) and their removal and disposal may need to be carried out by a licensed contractor.)

31/18/0010

Erection of two single storey extensions at the rear of 21 Woodlands Drive, Ruishton

- (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 PL-201 Location Plan ;
 - (A4) DrNo PL-202 Site Plan;
 - (A3) DrNo PL-101 Proposed Elevations;
 - (A1) DrNo PL-102 Proposed Ground Floor Plan;
 - (A1) DrNo PL-103 Proposed Floor Plans;
- (c) The external finishes of the works hereby permitted shall match in material, colour, style, pointing, coursing, jointing, profile and texture those of the existing building;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with 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 development:-

38/18/0165

Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning 38/11/0687 at Cutliffe Farm, Sherford

Reason

The Planning Committee declined to endorse the recommendation to approve the application.

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

06/17/0033

Erection of 173 No. dwellings (to include 25% affordable dwellings) with associated car parking, access, public open space, landscaping, drainage and infrastructure and outline consent or the provisions of a care home (Class C2) on land at Taunton Road, Bishops Lydeard

Reasons

Consultations were needed with the agents, planning officers and Parish Councillors to discuss the following;

- Mix of properties, to be specific, put back some of the 5 bedroom properties;
- More 2 bedroom properties and not so many 3 bedroom properties;
- More bungalows;
- Self-build sites as long as it comes within the viability;
- Materials – there should be more sandstone properties (mixed);
- Need to take the neighbourhood plan on board;

76. Demolition of Mill Building and erection of 8 No. Dwellings with associated access and landscaping at Haymans Mill, Payton Road, Westford, Wellington (revised scheme to 43/14/0053) 43/15/0006

Reported this application

Resolved that subject to:- the completion of a suitable legal agreement to secure off-site provision of children's play equipment consisting of a multi-unit climbing modular unit with slide and small pod swing, plus installation costs. The equipment to be installed at the Taunton Deane Borough Council play area in Warren Street.

The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

- (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 2856.04.103 Rev B Proposed Street Scene Elevations;

- (A1) DrNo SK01 - C15 1399 Proposed Drainage Strategy;
- (A4) DrNo SK02 - C15 1399 Sketch;
- (A3) DrNo SK03 - C15 1399 EA Westford Reservoir Location;
- (A1) DrNo 2856.04.100 Rev C Proposed Plots 1-3 Plans & Elevations;
- (A1) DrNo 2856.04.101 Rev C Proposed Plots 4-6 Plans & Elevations;
- (A1) DrNo 2856.04.102 Rev C Proposed Plots 7-8 Plans & Elevations;
- (A1) DrNo 2856.04.050 Rev D Proposed Site Plan;
- (A1) Plan HM-HYD-00-XX-DR-C-7001 P2 Proposed drainage strategy option 2;

(c) 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 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;

(i) 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;

(ii) 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;

(iii) 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;

(iv) 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;

(v) 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 should 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;

(vi) 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;

- (d) Prior to the commencement of the development hereby approved detailed plans showing the realignment of the culvert shall be submitted to, an agreed in writing by, the Council. The agreed alignment shall be completed prior to the occupation of the dwellings hereby approved;
- (e) Prior to occupation of the dwellings, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be retained and maintained in that form;
- (f) Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter 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 the units are occupied and thereafter maintained at all times;
- (h) The area allocated for parking and turning on the submitted plan (drawing no 2856.04.050 Rev B) 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;
- (i) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines 2.4m back from the carriageway edge in the centre line of the access and extending to points on the nearside carriageway edge 31m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced use and shall thereafter be maintained at all times;
- (j) 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 Acorn Ecology's submitted reports, dated May/June 2013 and July/August 2013, 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;
4. Arrangements to secure the presence of a licensed bat worker to be present on site to monitor the demolition;

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and sparrows shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat tubes and sparrow terraces and related accesses have been fully implemented;

- (k) Prior to the construction of any of the hereby permitted stone faced dwelling or stone walls, a panel of the proposed stone measuring at least 1m x 1m shall be built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority. Wherever possible, The stone shall include the use of reclaimed stone from the existing mill building. The development shall be completed in accordance with the approved details and thereafter maintained as such;
- (l) No demolition works to which this consent/permission relates shall commence until a programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority;

(Notes to applicant:- (1) Applicant was informed that 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 bats, nesting birds and reptiles will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal; Bats are known to use the building(s) as identified in Acorn Ecology's report, dated May/June 2013. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations; Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they

undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. (2) Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (3) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintained highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic and Transport Development Group, County Hall, Taunton. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.)

77. 36/17/0028

Change of use of public house and curtilage to 1 No. residential dwelling at Rose and Crown Inn, Woodhill Road, Stoke St Gregory

The application was considered at Planning Committee on 28 February 2018, where a decision was deferred for six months for additional information to be requested from the applicant, namely;

‘Clarification on marketing in particular viewings and offers received. Investigation of alternative uses and the opportunity for the Parish Council to submit a business plan’.

The pub has been marketed on the internet and in print on various sites.

Since November 2016 653 sets of sales particulars have been requested and sent out.

Business accounts have been submitted for the period from 1 December 2015 to 31 May 2017, which indicated a small profit from 1 December 2015 to 31 May 2017. However this would appear to demonstrate that the business is not viable.

The above information clarifies the marketing exercise carried out and also the Parish Councils response to the opportunity to submit a small business plan. The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

(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) Floor Plans;
- (A4) Site location plans;

- (A4) First floor plans;
- (A4) Block plan;

(c) The development hereby approved shall not be occupied or the use commenced until space has been laid out within the site for the parking and turning of vehicles, and such the areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development. The parking area shall be of sufficient size to accommodate three cars;

(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.)

78. Appeals

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

(The meeting ended at 10:10 pm)