

The Regulation Committee

Minutes of a meeting of the Regulation Committee held on Thursday 4 April 2019 at 14.00 in the Meeting Room, Taunton Library.

Present:

Cllr J Parham (Chairman)

Cllr M Caswell

Cllr J Clarke

Cllr N Hewitt-Cooper

Cllr M Keating

Cllr A Kendall

Cllr T Lock (Substitute for Cllr S Coles)

Cllr N Taylor

The Chairman welcomed everyone to the meeting, outlined the meeting procedures, referred to the agendas and papers that were available and highlighted the rules relating to public question time.

1 Apologies for Absence - agenda item 1

Cllr S Coles

2 Declarations of Interest - agenda item 2

Reference was made to the following personal interests of the members of the Regulation Committee published in the register of members' interests which were available for public inspection in the meeting room:

Cllr M Caswell Member of Sedgemoor District Council

Cllr N Hewitt-Cooper Member of Mendip District Council

Cllr A Kendall Member of South Somerset District Council
Member of Yeovil Town Council

Cllr T Lock Member of South Somerset District Council
Member of Yeovil Town Council

Cllr J Parham Member of Member of Mendip District
Council
Member of Shepton Mallet Town Council

Cllr N Taylor Member of Mendip District Council
Member of Cheddar Parish Council

Cllr N Taylor further declared a personal interest by virtue of being acquainted with the the owner of Tout Quarry, Charlton Adam (agenda item 7).

3 Accuracy of the Minutes of the Meeting held on 7 March 2019 - agenda item 3

The Chairman signed the Minutes of the Regulation Committee held on 7 March 2019 as a correct record.

4 Public Question Time – agenda item 4

(1) There were no public questions on matters falling within the remit of the Committee that were not on the agenda.

(2) All other questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

5 Extraction of up to 400 Tonnes of Blue Lias Building Stone off Curnhill (Hitchens Hill Ground) over a 12 Month Period including the Temporary Use of Part of the 'Red Barn' for Processing and Storage and the Temporary Use of the 'Green Barn' for Stone Breaking at Worthy Farm, Worthy Lane, Pilton, Somerset BA4 4BY - agenda item 5

(1) The Committee considered the report of the Strategic Commissioning Manager, Economy and Planning on this application which involved the extraction of approximately 400 tonnes of blue lias limestone over a 12 month period from an area of open farmland at Worthy Farm, Pilton for use in the construction of affordable housing in the Pilton area.

(2) The Committee were informed that the key issues for consideration were: the need for the development; and the impacts: on residential amenity, particularly noise; biodiversity; the highway; water resources; and the historic environment.

(3) The Case Officer outlined the application with the use of maps, plans and photographs, indicating that:

- Worthy Farm was located on the south east edge of the village of Pilton and the site was within the agricultural unit. To the north of the site, beyond an area of orchard planting, was the Grade 1 listed Tithe Barn (also a Scheduled Monument) and the Pilton Conservation Area, while there were residential properties to the north east, adjoining the proposed extraction area
- the extraction area measured 60m x 30m
- topsoil and subsoil would also be stored in this area
- extraction would be to a depth of 3m dug in north to south strips moving west to east
- the quarry would be progressively restored and backfilled at the end of each day;
- mineral extraction and all associated operations would take place between 9.00am - 4.30pm on Mondays to Fridays
- stone would be extracted using a slew and transported using a tractor

and trailer on private internal roads to nearby barns for processing, dressing and storage

- the material would then be transported, when needed, to an affordable housing site in Neat Lane, Pilton
- on completion the site would be returned to agricultural land and the original levels but, should any additional material be required to fill the void, surplus subsoil/topsoil from the farm would be used or topsoil would be purchased.

(4) The Case Officer pointed out that the applicant already extracted and processed stone for use around the farm under permitted development rights (using the barns included in the current application); and that planning permission had been granted for a similar application for the extraction of blue lias limestone at Worthy Farm to that now submitted, for use in a local affordable housing scheme, but that this permission had now expired.

(5) The Case Officer reported that following assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations, it had been concluded that the proposed development was not likely to have significant environmental effects by virtue of its nature, size and location.

(6) The Case Officer reported on the consultations that had been undertaken with external consultees: Mendip District Council; Pilton Parish Council; Environment Agency; and internal consultees: Transport Development; Scientific Services (Noise); Scientific Services (Air Quality); County Ecologist; South West Heritage Trust; and Lead Local Flood Authority. No objections had been received from consultees, although conditions and other action had been recommended.

(7) The Case Officer reported that, as regards public consultations, three representations had been received, all of which raised concerns with the proposal based on the proximity to neighbouring properties and the impacts of noise and dust from extraction and processing operations. These representations included: a challenge to the accuracy of the submitted noise assessment, which had supported the previous application; suggestions to address the noise impacts; a query regarding justification for the development; and a proposal to relocate the operations elsewhere within Worthy Farm.

(8) The Chairman drew attention to a late representation received from Mr C Watt who was unable to attend the meeting to speak. It was noted that Mr Watt, who resided in a property that adjoined the field in which the extraction site was located, had expressed concerns about the increasingly intrusive nature of the noise from quarrying operations which were moving closer to his house; and had proposed reduced hours of operation; as well as relocating the operations and querying the justification for the development as above.

(9) The Case Officer concluded that, having taken into account the main issues referred to in Paragraph (2) above, Development Plan policies and

other material considerations, the extraction of blue lias stone would provide benefits to the local community and built environment. While the extraction might result in an impact on the amenity of neighbouring properties in terms of noise, this could be mitigated to an acceptable level through the use of conditions, and extraction was only likely to take place for a very short period through the 12 months permission.

(10) Cllr Hewitt-Cooper, the local Divisional Member, and the other Committee members fully supported the proposed development which they noted would meet a local need for blue lias limestone; was a small-scale operation of limited duration; and to which there were no objections from consultees, and considered that the application should be approved subject to appropriate conditions.

(11) Cllr Hewitt-Cooper, seconded by Cllr Taylor, moved the recommendation by the Strategic Commissioning Manager, Economy and Planning set out in the report.

(12) The Committee RESOLVED in respect of planning application no. SCC/3538/2018 that planning permission be GRANTED subject to the conditions set out in Paragraph 9 of the report, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager, Economy and Planning.

6 Single Storey Extension and Reconfigured Entrance to an Existing Classroom Block within the Existing School Curtilage to Provide an Additional Classroom (55sq.m approx.), a Small Break-out Space (7.5sq.m approx.) and a Classroom Store (3sq.m approx.) at Milborne Port County Primary School, North Street, Milborne Port, Somerset DT9 5EP - agenda item 6

(1) The Committee considered the report of the Strategic Commissioning Manager, Economy and Planning on this application.

(2) The Committee were informed that the main issues for consideration were: the need for the development; and the impacts on: traffic generation; parking and the highway network; design, conservation and amenity; the historic environment; and ecology.

(3) The Case Officer, with the use of maps, plans and photographs, outlined the application, indicating that:

- Milborne Port County Primary School was accessed from Glovers Close (cul-de-sac) off North Street, near the centre of the village of Milborne Port
- the school site was within a primarily residential area and was bordered by residential properties on all sides
- the school was not Listed and lay just outside the Milborne Port

Conservation Area

- the school site had a variety of old and modern pitched-roof buildings, including the original gothic stone-built school
- the proposed development involved an 89 sq.m extension to an existing modern classroom block adjacent to the original school building to provide an additional classroom, a small break-out space and a classroom store
- the extension would provide space for an additional 30 pupils
- it would be located on an area of existing hardstanding that was currently only used for access between buildings and would not impact on any formal or informal hard and soft play areas, or external learning areas.

(4) The Case Officer reported that the development did not fall within the scope of The Town and Country Planning (Environmental Impact Assessment) Regulations, 2017 and an Environmental Statement was therefore not required.

(5) The Case Officer reported on the consultations that had been undertaken with external consultees: South Somerset District Council; Milborne Port Parish Council and internal consultees: Highways Development Management; County Ecologist; Somerset Historic Environment Service (Conservation and Archaeology); and County Acoustics Specialist. No objections had been received from consultees, although conditions and other action had been recommended.

(6) The Case Officer reported that two objections had been received from residents of nearby properties based on the following grounds: parents of schoolchildren parking on the pavements, obstructing driveways and otherwise inconsiderately, particularly at school pick-up and drop-off times as well as other school events; access for emergency services; and the need for a structured plan to address the parking problems before the school was given permission to extend further.

(7) The Case Officer concluded that, having taken into account the key issues referred to in Paragraph (2) above, Development Plan policies and other material considerations, there was a clear need for the proposed development to fulfil the County Council's statutory obligation to ensure that there were sufficient school places available. The Travel Plan required by condition would ensure that the traffic generation/parking issues associated with the increase in pupil numbers (and the estimated relatively small increase in pick-ups and drop-offs) would be suitably mitigated. The proposed development was in accordance with both local and national planning policy and should therefore be approved subject to appropriate conditions.

(8) The Chairman reported that Cllr William Wallace, the local Divisional Member, had written to express his full support for the application, having commented that no further delays should hinder this badly needed extension to the school.

(9) The Committee proceeded to debate during which Members acknowledged the need for the development given the increasing local demand for places at the school and for a School Travel Plan to mitigate the traffic/parking difficulties experienced by local residents. Members asked what might be covered in the Travel Plan; raised the question of its enforcement; and suggested that Travel Plans should be submitted at an earlier stage, when applications were considered by the Committee.

(10) At the Chairman's invitation, Mr R Lockey, Chairman of the Governors of Milborne Port County Primary School, described measures being taken by the school to alleviate the traffic/parking difficulties, which included encouraging parents to use a different access to the site. Mr Lockey referred to the spread of volume of collection due to after-school clubs.

(11) In response to matters raised during discussion, the officers outlined what the Travel Plan could be expected to include (the promotion of safe, active and sustainable travel by staff and pupils - walking, cycling car sharing, using public transport etc); and arrangements for the Plan's implementation, monitoring and review. It was also pointed out that the energy efficiency of building materials was covered by the Building Regulations rather than planning law.

(12) Cllr Hewitt-Cooper, seconded by Cllr Caswell, moved the recommendation by the Strategic Commissioning Manager, Economy and Planning set out in the report.

(13) The Committee RESOLVED in respect of planning application no. 18/04052/R3C that planning permission be GRANTED, subject to the conditions set out in Paragraph 9 of the report, and Condition 3 (Travel Plan) being amended to require the Chairman and Vice-Chairman of the Committee and the local Divisional Member to be consulted on the proposed Travel Plan.

The Committee further resolved that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager, Economy and Planning.

7 **Retrospective Application to Re-contour an Existing Screen Bund to Achieve a Uniform Height and Configuration and Planting with Trees and Shrubs at Tout Quarry, Tout Lane, Charlton Adam, Somerset TA11 7AN - agenda item 7**

(1) The Committee considered the report of the Strategic Commissioning Manager, Economy and Planning on this retrospective application.

(2) The Committee were informed that the key issues for consideration were: amenity considerations (noise and dust); landscape and visual impact; and biodiversity and green infrastructure.

(3) The Case Officer, with the use of maps, plans and photographs, outlined the application, indicating that:

- Tout Quarry had a long history of quarrying and stone related uses but had not itself operated as a quarry for some years since it became worked out
- the application site was the top part of an existing 10m high planted bund that formed the northern boundary of a stoneyard on the floor of the worked-out quarry
- the main purpose of the bund was to provide an acoustic and visual screen between the stone processing area and an adjoining blockworks, and nearby houses on the southern boundary of the village of Charlton Adam
- there were other similar large planted bunds screening the site
- the application related to a heightening and extension of the bund to provide a uniform boundary and an improvement to the acoustic screening
- the planting had already been carried out and had been growing for 2 - 3 seasons, weeds were being managed and the face was now greened up
- the applicant had stated that the strip of Leylandii along the top of the bund only provided a temporary screen until the broadleaved species attained more coverage after which the Leylandii would be removed.

(4) The Case Officer reported that the proposed development did not require a formal Environmental Impact Assessment and by virtue of its nature, size and location would not have significant environmental effects.

(5) The Case Officer reported that South Somerset District Council had raised no objections to the proposal and The Charltons Parish Council had recommended approval. An objection had been received from a neighbour in Chessels Lane who considered: that the bank was very large and the planting should be improved to reduce its visibility; the planting mix should include native shrub species rather than short-lived small tree species; the bank should be pushed further back into the site; and there should be a condition requiring the replacement of any trees that failed with more appropriate planting.

(6) The Case Officer concluded that, having taken into account the key issues referred to in Paragraph (2) above, Development Plan policies and other material considerations, the application should be approved subject to appropriate conditions. While the bund was visible from the north and some properties in Chessels Lane, its height played a significant role in mitigating the impact of noise from the site, both from the stonecutting in the stoneyard and the blockworks to the south. If the bund was removed, lowered or replaced the noise from these operations would be more apparent and be likely to lead to additional noise complaints. Any proposals to draw the bank south away from the adjacent residence would create considerable new disturbance, be likely to damage partially mature planting at the foot of the slope and lead to loss of growth on the remodelled face of the bund. It was not considered that the proximity of the bank to the neighbouring property was

of sufficiently detrimental impact to justify this course of action.

(7) The Case Officer drew attention to an amended recommendation by the Strategic Commissioning Manager, Economy and Planning (circulated in the 'late papers') involving:

- the insertion of a new Condition 1 (Completion of Development);
- the renumbering of Condition 1 as Condition 2; and
- the rewording of Condition 2 (Planting Maintenance Scheme) such that the second paragraph read:

'The scheme shall set out proposals for the management of the existing trees and shrubs, their protection and proposals for management including weed suppression, *and the removal of the existing Leylandii species and their replacement with native hedgerow species*'.

(8) Committee members supported the application subject to the proposed conditions, and to Condition 2 being further amended by the removal of 'hedgerow' in the second paragraph.

(9) Cllr Keating, seconded by Cllr Caswell, moved the amended recommendation set out above.

(10) The Committee RESOLVED in respect of planning application 16/05418/CPO that planning permission be GRANTED, subject to the following conditions:

(i) Completion of Development

The development hereby permitted shall be carried out in strict accordance with the approved plans listed below, and with any scheme or other details submitted to and approved in writing by the Mineral Planning Authority in pursuance of any condition attached to this permission:

- Drawing No. 16/219/035_0 Rev01 - Site Survey dated 18/07/2016
- Drawing No. 16/219/036_0 Rev00 - Cross Section A - A dated 30/06/2016
- Drawing No. 16/219/037_0 Rev01 - Site Location Plan dated 14/07/2016

Reason: To enable the County Planning Authority to deal promptly with any development not in accordance with the approved plans.

(ii) Planting Maintenance Scheme

Within four months of the date of this permission, the applicant shall submit to the Mineral Planning Authority and have approved in writing a scheme for the

maintenance of the planting.

The scheme shall set out proposals for the management of the existing trees and shrubs, their protection and proposals for management including weed suppression, and the removal of the existing Leylandii species and their replacement with native species.

The scheme shall also set out proposals for the replacement of any specimen that dies, becomes diseased or is removed for a period of 5 years following the approval of the scheme.

Reason: To enable the Mineral Planning Authority to ensure that the planting provides the landscape and ecological benefits required by Policies DM1, DM2 and DM8 of the Somerset Minerals Plan.

The Committee further resolved that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager, Economy and Planning.

(The meeting closed at 14.49)