

## **REGULATION COMMITTEE**

Minutes of a Meeting of the Regulation Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 1 December 2022 at 2.00 pm

**Present:** Cllr T Lock (Chair), Cllr S Coles (Vice-Chair), Cllr B Bolt, Cllr M Caswell, Cllr M Dunk (attended virtually), Cllr T Grimes, Cllr E Hobbs, Cllr M Murphy, Cllr K Pearce and Cllr M Wale

**Other Members present:** Cllr H Farbahi and Cllr D Johnson

**Other members present virtually:** Cllr A Kendall\*, Cllr H Kay\*, Cllr A Dingwall, Cllr S Wakefield, Cllr B Clarke and Cllr S Collins  
(\*Reserve Committee member)

**Apologies for absence:** Cllr A Soughton

### **1 Declarations of Interest - Agenda Item 2**

The following declarations of interest were made at the meeting: -

- (a) Cllr T Lock – application SCC/3938/2022 (agenda item 5 refers) – officers Report mentions Primrose Lane School in Yeovil, which is in Division – non-pecuniary interest
- (b) Cllr D Johnson – application SCC/3938/2022 (agenda item 5 refers) – application is in Somerset West and Taunton Council area and local Division member – non-pecuniary interest
- (c) Cllr H Farbahi – application SCC/3938/2022 (agenda item 5 refers) – application is in Somerset West and Taunton Council area and local Division member – non-pecuniary interest
- (d) Cllr T Grimes – application SCC/4005/2022 (agenda item 6 refers) – application is in Division – non-pecuniary interest.

### **2 Accuracy of the Minutes of the meeting held on 3 November 2022 - Agenda Item 3**

The Minutes of the previous meeting held on 3 November 2022 were accepted as accurate and signed.

### **3 Public Question Time - Agenda Item 4**

2 members of the public and 3 applicant/agents registered to speak by the deadline and their statements / questions were considered as part of agenda item 5, Application No SCC/3938/2022.

4 **Land at Comeytrove, Taunton, Somerset TA4 1FE - Application  
SCC/3938/2022 - Agenda Item 5**

Regulation 3 application for the erection of a new primary school & nursery, to include construction of sports pitches, parking area, new access onto spine road and incorporating landscaping and infrastructure – Land at Comeytrove, Taunton, Somerset TA4 1FE (application no. SCC/3938/2022).

(Outline approval granted as part of wider Orchard Grove development (42/14/0069).

Applicant - Mrs D Charlesworth, BAM Construct UK Ltd on behalf of Somerset County Council.

Committee members had undertaken a site visit ahead of the meeting.

1. The Committee received a Report by the Service Manager - Planning and Development. The Service Manager, with reference to the report, presentation, supporting papers and the use of maps and plans, outlined the application and the key issues for consideration – whether the principle of the development is acceptable; site layout / design; impact on residential amenity; flood risk; ecological impacts; and highways impacts / safety. The Service Manager referred to the level of responses received to the application, as detailed in the report and also to the response from the Lead Local Flood Authority (LLFA) and to the amended officer recommendation which had been circulated to all Committee members on 30 November 2022 as a supplementary paper.

2. The Committee had received written submissions and heard from the following at the meeting. Their comments / views are summarised as shown below:

C Warburton – objector – inadequate public consultation in Trull Parish; this is EIA development and should be advertised and consulted on as such; why ignore the views of the Design Panel; proposals are unfit for purpose; failed to meet policy for play spaces overall; lack of community access; site is waterlogged space, flooding risk and ‘danger for many’ and unsafe; area is ideal for treating phosphates; lack of parking spaces; application is for 420 pupils – 640 is number predicated – proposals for expansion must be considered here; profit is overruling children’s futures.

T Smith – objector – impact of development on the site; flooding risk; not seen LLFA report and opinion; spine-road won’t reach school site until Spring 2024; there is an unspecified ‘host’ site; application doesn’t embody a design for necessary pupil numbers on site; proposals for fresh and foul-water discharge not specified; unrealistic travel plan; material information not been advertised in accordance with EIA development; unsustainable development; needs to be safe, future-proof and credit to Somerset.

C DuCrog – Planning Agent - Stride Treglown: -

- applicant team have proactively engaged with the Council from early stages and through design process
- through consultation have made numerous changes to the design and layout
- school has been designed to accommodate future growth (subject to future planning application) – school is very much needed
- want to deliver carbon neutral building using Passivhaus concept
- made changes to parking arrangements and some initial changes to the colour palette of the school
- happy with the LLFA comments
- confirmation from SCC highways that in the unlikely event that the new link road within the site is not completed in time when the school is open, there will be arrangements made for the safe access of pupils to the school

R Healey – Prospective Head Teacher: -

- Primary Head Teacher for Castle Partnership Trust and prospective Head Teacher of Orchard Grove Primary School
- Trust has great enthusiasm for the new school
- Reassurance and excitement that new School will have a similarly strong start for its children and its families when it opens
- Aware of need for the new school in terms of housing development locally and additional families moving into the area
- Have close working partnership with the LPA
- Will encourage all to walk, cycle or scoot

H Waring (on behalf of E Smith) - SCC Education: -

- Works in Schools Commissioning team alongside Ms Smith
- Statutory duty to supply school places
- Existing schools in area cannot be expanded
- Proposing 420 primary school initially – expand if needed (to 640)
- Design based on Passivhaus concept
- School is planned to open in September 2023 and will open on a host site until the new school building is completed
- The temporary host arrangements will be at the Trusts' Wellington School and 'home to school' transport will be provided
- The Castle Partnership Trust is the Sponsor who will run the school

3. The Local Division member Cllr H Farbahi address the Committee and made the following comments: -

- Increasing numbers with Education Health and Care Plans (EHCP) and number of people with SEN and support. Most common type of needs for those with EHCP is autistic spectrum disorder and those with SN support is speech language and communication needs – need to ensure

that children and young people are given best start – in early years need to provide extra rooms and space – need to provide this now

- Essential that the spine road has 20mph limit in place
- Concerned about proximity of car park to nursery, reception classes
- Need sensory planting area around the school, with wildflowers as well
- Community use – urge Committee to encourage after school activities
- Pleased to see the proposed walking / cycling to Comeytrove and to be in place before occupation of the school

4. The Local Division member Cllr D Johnson addressed the Committee and made the following comments, covering Special Education Needs, safety, and biodiversity: -

- Supportive of the application and applaud the carbon neutral, Passivhaus design
- Needs to be aspirational build and best possible design from outset
- Landscaping – want more trees on development – for wellbeing and mental health
- Road safety – not all will or can walk / cycle so need adequate car parking provision and addressed
- Potential issue re spine road and why be completed later (2024)
- Drainage – LLFA been addressed properly and answered? Serious concern for whole development and school site is on wettest part of this development
- Land drainage – propose defer until flood and drainage is properly resolved (and school site is safe and accessible)
- Need all infrastructure in place, buses sorted before the school is built

5. The Service Manager, the Highways Service Manager, and the Lead local Flood Authority (LLFA) responded to the points raised by the objectors, supporters, applicant / agent and the Division members: -

- Addressed the EIA concerns and publicity as part of presentation – that no EIA was necessary in relation to this application
- SEND is an issue for the management of the school as is not necessarily a landlord or planning issue
- Referred to proposed condition 5 regarding community usage
- Referred to proposed condition 9 regarding the Landscape and Ecological Management Plan (LEMP)
- Note comments re the spine road and its construction – the school will utilise the host site in Wellington if the spine road is not constructed or completed in time. Mention of bus service operating from Orchard Grove development to take pupils to and from the site. The spine road will be delivered by a third party (consortium)
- The *wider* principles of the traffic impact of the school would have been assessed at the 2014 / 2015 outline approval stage
- Role of the schools own traffic management plan referred to as well

- The parking area has been reduced down to a total of 33 spaces – levels of parking are in line with necessary standards.
- The landscaping has been revised and enhanced at the site frontage to improve the access to the site and the entrance to the proposed school.
- Highways now raise no objection subject to conditions and legal agreement to secure the provisions of the travel plan
- LLFA views – satisfied that adequate information has been provided to demonstrate that a suitable and appropriate drainage strategy can be delivered on the site. Do need some further detail and clarification on a few aspects of the strategy, which can be achieved through appropriate conditions
- Comments made re surface water overland flow route across site – the drainage strategy will need to look at managing that overland flow route and this is included in the proposed draft condition

6. The Committee discussed the matter, and the following comments were made and responded to by Officers, as follows: -

- Would like to more solar panels in the design – noted is already a sustainable design
- Question on the car park and would like to see improved surface run off / use of permeable surface and that need more cycle parking provided – confirmed that as school grows will look at this through travel management plan process, through discussion with the education authority. Cycle storage will be in place before the school opens. The provision of 33 parking spaces is in line with SCC parking strategy, which has been in place since 2013 as standard policy and so the application is policy compliant.
- Concerns mentioned about design of the school, landscaping at front of school, concerns about drop off point and why bike racks are proposed to be located where they are.
- Having an avenue of trees coming down to a canopy entrance would help; propose need better landscaping and a kinder entrance to the school; concerns that spine road not being open and available before the school opens; would help if car park had more permeable surface, as would help with water distribution away from the school; all technical and small changes that can be accommodated via conditions – noted there is an existing proposed condition relating to surface water / prevention on to the highway so is covered

7. Cllr M Caswell, seconded by Cllr T Grimes, moved the recommendation and the Committee **RESOLVED**: -

- (1) That planning permission be **GRANTED** subject to the prior completion of a Section 106 agreement to secure the financial provisions of the School Travel Plan dated Oct 2022 (Revision C) including the travel plan fee of £700 and the safeguarded sum of £49,320 and to the conditions

and informatives as set out in the Report of the Service Manager - Planning and Development, and the additional condition: -

Condition: Details of the filter strips and their locations, details of the detention basin including freeboards at 300mm, rainwater butts within the orchard, cellular storage, exceedance strategy and onward connection to the wider site drainage system shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

*Reason: In accordance with Policy CP6 of the Taunton Deane Core Strategy*

- (2) That authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning and Development.
- (3) To request that the applicant take account of the views expressed at the meeting in relation to landscaping in the design process.

5 **Application for planning permission for discharge of s106 obligation at Delhorn Lane, Lymphsham, Weston-Super-Mare, Somerset BS24 0EB (SCC/4005/2022) - Agenda Item 6**

Application to Discharge the requirements of a s106 obligation at Delhorn Lane, Lymphsham, Weston-Super-Mare, Somerset (Grid ref 334176 153444 Bridleway AX22/11 & AX17/11 (application no. SCC/4005/2022).

Applicant – Yvonne and John Hopkins.

Committee members had undertaken a site visit ahead of the meeting.

1. The Committee received a Report by the Service Manager – Planning & Development, Enforcement and Compliance. The Service Manager, with reference to the report, presentation, supporting papers and the use of maps, photographs, and plans, outlined the application and the key issues for consideration. The applicant is seeking to discharge the requirements of a section 106 agreement entered into between the applicant and Somerset County Council (SCC) in 2016. The section 106 agreement secured, inter alia, the payment of financial contributions to SCC for vegetation clearance and repairs to the surface of a bridleway which the application was seeking to divert in order to carry out a development.

2. The Chair confirmed that there were no requests to speak on this item.

3. The Committee discussed the matter, and the following comments were made and responded to by Officers, as follows: -

- Clarification on the length of the bridleway in question and the legal agreement – the authority felt that it was reasonable to have a s106 legal

agreement in perpetuity and providing, inter alia, for the applicant to make a payment of £4,000 for vegetation clearance for the new bridleway and a payment of £3,000, which has since been repaid, to be used by the County Council for repairs or reinstatement of the surface of the bridleway arising within 5 years of the date provided, in addition to a payment to cover the legal costs of the council in drawing up the order. The officer explained that the legal agreement allowed SCC and Sedgemoor DC to withdraw their objections to the diversion order requested and this enabled the approved development to be carried out (agricultural barn). SCC felt that the maintenance costs would be greater as a result of diverting the footpath and by the agreement entered into, the applicant agreed to contribute towards those additional maintenance costs and the payment was made upfront

- View of the applicant – the applicant considers that the requirement for a sum for maintenance for the footpath is unfair and seeks repayment of that money together with legal costs. The key issue is whether or not the section 106 agreement still serves a useful purpose

4. In conclusion, the Service Manager explained that the financial provision that was secured through the section 106 agreement for future maintenance (of only the diverted section of path) is still required to keep the surface free of vegetation. This is an additional cost to the Council arising from the diversion order, as a consequence of a development proposal for an agricultural building which obstructed an existing Public Right of Way. The planning obligation continues to serve a useful purpose and no evidence has been presented that justifies its discharge.

5. Cllr Coles, seconded by Cllr Hobbs, moved the recommendation by the Service Manager - Planning & Development, Enforcement and Compliance and the Committee unanimously **RESOLVED:** -

That the requirements of the agreement entered into in 2016 should remain in force and the application to discharge the section 106 agreement and refund the amount paid be **REFUSED**, for the reasons set out in the submitted report. *Reason: The planning obligation continues to serve a useful purpose and no evidence has been presented that justifies its discharge.*

## 6 **Any Other Business of Urgency** - Agenda Item 7

There were no additional items of business raised at the meeting.

**(The meeting ended at 3.38 pm)**

**CHAIR**