

## **Planning Committee – 19 March 2014**

Present: - Councillor Nottrodt (Chairman)  
Councillor Coles (Vice Chairman)  
Councillors Mrs Allgrove, Bishop, Bowrah, Gaines, C Hill, Mrs Hill,  
Horsley, Morrell, Tooze, Watson, A Wedderkopp, D Wedderkopp and  
Wren

Officers: - Bryn Kitching (Development Management Lead), Tim Burton (Assistant  
Director – Planning and Environment), Gareth Clifford (Area Co-  
ordinator – East), Matthew Bale (Area Co-ordinator – West), John  
Burton (Major Applications Co-ordinator), Roy Pinney (Legal Services  
Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey  
Meadows (Corporate Support Officer)

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.  
Councillors Edwards and Farbahi in connection with application Nos  
05/13/0067 and 42/13/0079. Councillors D Durdan and Henley in  
connection with application No 31/13/0025. Councillor Mrs Waymouth  
in connection with enforcement item No E/0239/34/13

(The meeting commenced at 5.00 pm)

### **30. Apology/Substitution**

Apology: Councillor Miss James.

Substitution: Councillor Horsley for Councillor Miss James.

### **31. Minutes**

The minutes of the meetings of the Planning Committee held on 26 February  
2014 were taken and read and were signed.

### **32. Declarations of Interest**

Councillor Nottrodt declared a personal interest as a Director of Southwest  
One. He also declared that he had attended a briefing session at the  
Somerset College. He felt that he had not “fettered his discretion”. He went  
on to declare that he was one of the Ward Councillors for application No  
E/0239/34/13, but felt that he had not “fettered his discretion”. Councillor Mrs  
Hill declared a personal interest as an employee of Somerset County Council.  
Councillor Horsley declared a personal interest as a member of Taunton  
Forward. Councillors Coles, A Wedderkopp and D Wedderkopp declared  
personal interests as Members of Somerset County Council. Councillor  
A Wedderkopp also declared that he had attended a meeting at Trull Parish  
Council for application Nos 05/13/0067 and 42/13/0079, but felt that he had  
not “fettered his discretion”. Councillor Bowrah declared that application No  
E/0231/43/13 had been discussed at the Wellington Town Council meeting  
when he was present. He felt that he had not “fettered his discretion”.

Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. He also declared that he knew the developer for application No 31/13/0025, but felt that he had not “fettered his discretion”. Councillor Wren declared a personal interest as an employee of Natural England.

### **33. Applications for Planning Permission**

The Committee received the report of the Growth and Development 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:-

**24/14/0002**

**Construction of a footpath with associated fencing and surface on land between Nine Acre Lane and Overlands, North Curry**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The proposal hereby granted shall be carried out strictly as specified in the recommendations proposed in the ‘Ecological Survey’, prepared by Michael Woods Associates, and dated January 2014. This document forms part of the permission hereby granted and the further survey work it requires will need to be carried out in full as stated under the supervision of a competent and suitably qualified expert;
- (c) Before the hard surfaced areas hereby approved are constructed and used, or at such other time as may have been agreed in writing with the Local Planning Authority full details of the colour, type and texture shall be submitted to, and approved by, the Local Planning Authority. The development shall then be completed strictly in accordance with these approved details and retained as such at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Before the plans hereby approved are begun or implemented, further details shall have been submitted to, and approved by, the Local Planning Authority detailing how the entrance shown as ‘D’ on the submitted plans which links to the public highway at Overlands, will meet the Highway Authority’s design standards and demonstrate how the potential for pedestrian, cyclist and vehicular conflict along Nine Acre Lane will be dealt with and overcome. Any measures deemed necessary by either the Local Planning Authority or the Highway Authority shall then be implemented in full before the path is used, and remain in place at all times thereafter as approved unless the consent of the Local Planning Authority has first been obtained for any change or variation.

(Notes to applicant:- (i) 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; (ii) Applicant was advised that the permission hereby granted permits the erection of fencing and hard surfacing only, subject to the conditions attached, and does not in any way create a public right of way, nor does it grant public rights of access over the land the subject of this permission. Any proposal for the creation of a formal Public Right of Way, easement or any other form of public access would need to be the subject of a separate application under the appropriate legislation, namely, S.25 or S.26 of the Highway Act 1980; (iii) Applicant was advised that the proposed alignment for this new path will cross an existing Public Right of Way in the south-eastern field. The applicant will therefore need to contact the Rights of Way section at Somerset County Council to see whether any diversion orders, changes or other requirements will need to be met.)

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

**31/13/0025**

**Erection of 26 No. affordable houses and associated parking on land at junction of A358 and Stoke Road adjoining Laburnum Terrace, Henlade, Ruishton**

**Reason**

It has not been satisfactorily demonstrated that surface water can be sufficiently attenuated or that the proposed route of surface water discharge will not give rise to additional off-site flooding to existing residential properties in Lower Henlade. It is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy and the advice contained in the National Planning Policy Framework (NPPF).

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants to look 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 has been refused.)

- 34. Provision of student accommodation comprising up to 210 bed spaces, associated parking, landscaping and provision of sports pitches, including an all weather floodlit pitch, at Somerset College of Arts and Technology, Wellington Road, Taunton (05/13/0067)**

Reported this application.

**Resolved** that subject to:-

(1) The proposed loss of playing field provision being referred to the Secretary of State; and

(2) The applicants entering into a Section 106 Agreement to secure the improvements to Castle School all weather pitch and track or suitable alternative facilities in the area; Provision of a community use agreement for all the Somerset College sports facilities and linking the timing of the student accommodation provision to development at Canonsgrove,

the Growth and Development Manager 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 student accommodation hereby approved shall be used only in conjunction with students undertaking higher educational courses, persons with a connection with the educational activities of the College, a residential warden and/or students working at the hospital;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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;
- (d) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than two litres per second per hectare for all storm periods up to and including the 1 in 100 year plus climate change event. The scheme shall include maintenance roles and responsibilities for all drainage infrastructure. The development shall subsequently be implemented in accordance with the approved scheme within a timetable to be agreed in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the details approved;

- (e) The student accommodation shall not be occupied until a parking scheme for the site, including at least 20 spaces and eight disabled ones, has been submitted to, and agreed in writing by, Local Planning Authority and thereafter provided as agreed;
- (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 WYG's Extended Phase 1 Habitat Survey Report dated December 2013, Bat Activity Survey Report dated January 2014, Great Crested Newt survey report dated January 2014, Hazel Dormouse Survey dated January 2014 and an up to date Badger Survey and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - Measures for the retention and replacement and enhancement of places of rest for the species; and
  - Details of lighting.

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) No development shall commence until a Travel Plan for this development has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan implemented within two months of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;
- (h) Details of the floodlighting of the training pitch including heights and light levels shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed. The floodlighting permitted shall be illuminated only between the hours of 14:00 and 22.00 Monday to Saturday and 14:00 and 18:00 on Sundays;
- (i) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (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;

- (j) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (k) Details of the siting of any temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details shall also include details of where soil is to be stored on site;
- (l) Before any part of the development hereby permitted is commenced a plan showing:- (a) The location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2012); and (b) Details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;
- (m) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)].
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;
- (n) 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;

- (o) Prior to commencement of trenching works within the canopy spread of existing trees, all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (p) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved;

(Notes to applicant:- (i) 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; (ii) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development. 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.)

**35. Residential development comprising up to 32 dwellings with associated parking and landscaping at Canonsgrove Halls of residence, Honiton Road, Staplehay (as amended) (42/13/0079)**

Reported this application.

**Resolved** that subject to:-

- (1) The proposed loss of playing field provision being referred to the Secretary of State; and
- (2) The applicants entering into a Section 106 Agreement to secure the maintenance for play area and open space, wildlife areas and water attenuation feature at Canonsgrove, and linking the timing of the residential

development at Canonsgrove to student accommodation provision at Somerset College,

the Growth and Development Manager 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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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;
- (c) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than two litres per second per hectare for all storm periods up to and including for the 1 in 100 year plus climate change event and shall include details of phasing and maintenance for all surface water drainage infrastructure. The development shall subsequently be implemented in accordance with the details approved;
- (d) 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 WYG's Extended Phase 1 Habitat Survey Report dated December 2013, Bat Activity Survey Report dated January 2014, Great Crested Newt survey report dated January 2014, Hazel Dormouse Survey dated January 2014 and Reptile survey dated January 2014 and include:-
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - Measures for the retention and replacement and enhancement of

- places of rest for the species; and
- Details of lighting.

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;

- (e) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (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;
- (f) Details of the siting of any temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil or materials is to be stored on site;
- (g) Before any part of the development hereby permitted is commenced a plan showing:-
  - (a) The location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2012); and
  - (b) Details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;
- (h) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use;
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local

Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)];

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

- (i) 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;
- (j) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (k) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement of development unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation;
- (l) No development shall commence until a Travel Plan for this development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved plan implemented within two months of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;
- (m) At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road levels within the visibility splays shown on the submitted plan (00244\_L021RevG). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;

- (n) There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;
- (o) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;
- (p) Prior to the commencement of development hereby permitted a drainage survey shall be carried out and submitted in writing by the Local Planning Authority and no work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to, and approved in writing by, the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- (q) 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;
- (r) In the interests of sustainable development, none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority prior to the commence of development;
- (s) 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 to be 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;

(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.)

**36. Demolition of Snooker Hall and erection of 29 No one bedroom apartments and 11 No two bedroom apartments with ancillary bike storage and car parking at the former Rileys Snooker Club, 1 Kingston Road, Taunton (38/13/0420)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure the following:-

- 25% affordable housing;
- A Travel Plan;
- A contribution of £2,904 for each two bed dwelling being made towards the provision of children's play;
- A contribution of £1,571 for each dwelling being made towards the provision of facilities for active outdoor recreation;
- A contribution of £209 per dwelling being sought for allotment provision;
- A contribution of £1,208 per dwelling towards local community hall facilities;
- A public art contribution, either by commissioning and integrating public art into the design of the building and public realm or by a commuted sum to the value of 1% of the development costs;

(Note - Should the decision be issued after the 1 April 2014, other than the affordable housing element, children's play and Travel Plan, the other Section106 elements of the scheme above would be liable for CIL instead.)

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or 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) DrNo 13.17.01 Location Plan;
- (A4) DrNo 13.17.02 Site Plan;
- (A2) DrNo 13.17.03 Topographical Survey;
- (A1) DrNo 13.17.04 Existing Elevations;
- (A1) DrNo 13.17.10A Site Plan;
- (A1) DrNo 13.17.11B Proposed Plans;
- (A2) DrNo 13.17.12A Proposed Elevations;
- (A1) DrNo 13.17.13A 3D Model Context Views;
- (A3) DrNo 13.17.14A Proposed Street Elevations;
- (A1) DrNo 13.17.15 Cross Section;
- (A2) DrNo 13.17.16 Existing Cross Section; and

- (A4) Materials schedule;
- (c) Only those materials specified in the submitted schedule, notwithstanding the stone, shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) The development hereby permitted shall not be commenced until details of a mitigation strategy to accommodate bats and birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology Limited submitted report dated October 2013, and shall include measures for the enhancement of places of rest for bats and nesting birds. 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 nesting birds 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) Provision shall be made for combined radio and TV/satellite aerial facilities to serve the development hereby permitted and no external radio, TV or satellite aerial shall be fixed on any individual residential property or flat or other unit of living accommodation;
- (f) The window(s) and/or balconies in the north elevation of flats 24 and 33 and the western stairwell shall be glazed with obscure glass in a manner to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;
- (g) The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;
- (h) The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and thereafter 49 spaces shall be retained for those purposes unless otherwise agreed in writing by the Local Planning Authority;
- (i) (i) Before part of the development is occupied, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of occupation of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (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;

- (j) No demolition shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed in writing with the Local Planning Authority to be carried out by a specialist acceptable to the Local Planning Authority and such work shall be carried out in accordance with the written brief;
- (k) The glazing and ventilation installed at the development shall be Rehau70 double glazing (and Rehau70 triple glazing on façades facing the railway line and Kingston Road) with ventilation using Greenwood MA3150 acoustic wall vents. If the developer proposes to use glazing and ventilation different to that agreed they shall submit to the Planning Authority all details of the alternative sound reduction scheme and the reasoning upon which this is based. Such details are to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied;
- (l) Notwithstanding the submitted stone samples no wall construction shall begin until a panel of the proposed stone measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

(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.)

**37. E/0177/49/13 – Change of use of the old dog kennels to residential on land adjacent to Wivey View, Wiveliscombe**

Reported that a complaint had been brought to the attention of the Council in September 2013 concerning the conversion and residential occupation of a converted dog kennel without the relevant planning permission at land adjacent to Wivey View, Wiveliscombe.

A site visit was carried out and the owner was advised of the need for planning permission to retain the building as a unit of accommodation. An application for a Certificate of Lawfulness had been received in December 2013 but this had subsequently been refused in January 2014.

The site was in open countryside where there was a strong presumption against new residential development. The development conflicted with established planning policies that sought to prevent such development and as such it was considered to be unacceptable.

**Resolved** that:-

- (1) An enforcement notice be served to secure the cessation of the use of the building for residential occupation and the removal of the kitchen and bathroom facilities from the building at Wivey View, Wiveliscombe;
- (2) Any enforcement notice served should have one month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

**38. E/0231/43/13 – Unauthorised use of annexe as separate unit of accommodation at 46 Wellesley Park, Wellington**

Reported that a complaint had been received that an annexe was being used as a separate unit of accommodation at 46 Wellesley Park, Wellington.

The owner of the property had been advised that planning permission to retain the annexe as a separate unit of accommodation was required however, to date, an application to regularise the situation had not been forthcoming;

With regard to amenity, the Development Management Lead was of the view that the use of the annexe as an independent unit of accommodation was not in its present form, considered to have an adverse impact upon neighbouring residents.

**Resolved** that no further action be taken.

**39. E/0171/44/12 – Stationing of caravan on land opposite Gidland's House, Wellington Hill, Wellington**

Reported that it had come to the Council's attention that a caravan had been statione without planning consent on land opposite Gidland's House, Wellington Hill, Wellington.

The owner of the land had been contacted who had confirmed that she required the caravan in connection with tending her animals. At the time of the site visit there was a chicken in a small coop and some horses., but the owner had stated that more animals were to be brought onto the site in the coming months.

Further investigations had revealed that no further animals were currently kept on the land and the caravan was therefore not needed for the purposes of agriculture.

In summary, there was no requirement or need for the caravan to be on the site and did not provide any function that could not be undertaken by the existing timber buildings that existed on the land.

**Resolved that:-**

- (1) An enforcement notice be served for the removal of the touring caravan from the land opposite Gidland's House, Wellington Hill, Wellington;
- (2) Any enforcement notice served should have 30 day compliance period and;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

**40. E/0239/34/13 – Non compliance with Agricultural Tie at Manor Farm, Manor Meadow, Staplegrove**

Reported that in March 2011, an enquiry was received regarding the procedure for the removal of an agricultural tie on Manor Farm, Manor Meadow, Staplegrove.

The Local Planning Authority had advised that it would be necessary to submit a planning application together with evidence to demonstrate that an agricultural workers dwelling in the locality no longer warranted reserving the house for that purpose. In order to achieve this, it would be necessary to market the property for a minimum of 12 months at a realistic price reflecting the occupancy condition.

A site visit was carried out in early January 2014 and the owners were again made aware of the procedure they needed to follow if they wished to see the agricultural tie removed. To date no response had been received and the property continued to be occupied not in accordance with the tie.

**Resolved that:-**

- (1) An enforcement notice be served seeking the cessation of the property known as Manor Farm, Manor Meadow, Staplegrove being occupied by persons not complying with the agricultural tie;
- (2) Any enforcement notice served should have an 18 month compliance period; and

(3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

**41. E/0128/10/13 – Mobile home remaining on site after expiry of temporary planning permission at Fairfield Stables, Moor Lane, Churchinford**

Reported that following the expiration of a temporary planning permission granted on appeal, the owner/occupier of a mobile home on land at Fairfield Stables, Moor Lane, Churchinford had been advised that should they wish to remain on the site they would need to submit a further application for consideration.

Although an application was received in October 2013 it was incomplete and was unable to be validated despite several efforts to obtain the required information.

As such, the caravan was currently on the land without planning consent.

**Resolved** that:-

- (1) An enforcement notice be served seeking the cessation of the residential use and the removal of the unauthorised mobile home on land at Fairfield Stables, Moor Lane, Churchinford;
- (2) Any enforcement notice served should have three month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

**42. Appeals**

Reported that five decisions were received details of which were submitted.

**Resolved** that the reports be noted.

(The meeting ended at 10.37pm)