

Planning Committee – 2 March 2011

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Coles, Denington, Gaines,
Mrs Floyd, C Hill, House, Miss James, Morrell, Mrs Smith, Watson,
A Wedderkopp and D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching
(Development Management Lead), Mr M Bale (West Area Co-
ordinator), (Mr G Clifford (East Area Co-ordinator), Mr A Pick (Major
Applications Co-ordinator), Mrs J Jackson (Legal Services Manager),
Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher
(Democratic Services Officer)

Also present: Councillor Beaven in connection with application No 06/10/0029;
Councillor Hayward in connection with application No 25/10/0032;
Councillor Thorne in connection with application No 10/10/0024 and
Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

14. Minutes

The minutes of the meeting of the Planning Committee held on 9 February 2011 were taken as read and were signed.

15. Public Question Time

Councillor Morrell said that he had been informed at an earlier meeting that for the last fourteen years the wording had been incorrect on Breach of Condition Notices. This had resulted in any prosecution, such as the one currently being undertaken in Bishop's Hull, being abandoned. Councillor Morrell asked who would be taking responsibility for this professional failing.

Mrs Jackson agreed that the wrong templates had been used for Breach of Condition Notices for a number of years. However, no prosecutions had been brought as, when served, the Notices had been complied with.

The Chairman (Councillor Bishop) said this was a regrettable situation and the Council would apologise in writing.

Councillor Hayward asked for clarification on the deciding factors that led to officers recommending legal action being taken against the developers at Bishop's Hull compared to the deciding factors that led to officers recommending that no legal action be taken against two developers at Norton Fitzwarren.

Councillor Hayward also said that at the meeting of the Planning Committee on 15 December 2010, it was resolved "that the Solicitor to the Council be authorised to seek an injunction preventing further occupation of residential

properties on the former Taunton Trading Estate site at Norton Fitzwarren until the transfer of the playing field land had been completed". However, building was continuing and houses were being occupied even though the transfer of the land had not yet taken place.

Mrs Jackson replied that she would provide a detailed response in writing to Councillor Hayward. The response would also be circulated to all Members of the Planning Committee.

16. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor and as a member of Somerset Wildlife Trust.

17. 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:-

That **planning permission be granted** for the under-mentioned developments:-

06/10/0029

Change of use of land to provide two residential gypsy pitches (consisting of one mobile home and one touring caravan per pitch) at Sunnydene, Dene Road, Bishops Lydeard

Conditions

- (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 approved plans;
- (c) The site shall not be occupied by any persons other than gypsies and travellers as defined in Paragraph 15 of ODPM Circular 01/06 - Planning for Gypsy and Traveller Caravan Sites;
- (d) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time, of which two shall be static caravans or mobile homes and two shall be touring caravans which shall be capable of being towed on the public highway without division into separate parts, in accordance with the relevant Highway Act legislation;
- (e) Prior to the commencement of any works, details of the surfacing of the access track to serve the site shall be submitted to, and agreed in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;

- (f) No commercial activities shall take place on the land, including the storage of materials. Any machinery stored on the site shall not exceed 1.8m in height;
 - (g) The mobile homes, touring caravans and parking shall be sited in accordance with the submitted block plan. There shall be no material change unless any variation is agreed in writing by the Local Planning Authority;
 - (h) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected on site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
 - (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) Prior to the commencement of development, a maintenance and management plan shall be submitted to, and approved in writing by, the Local Planning Authority for the retention of the hedgerow on the north boundary of the site, adjacent to the public highway. The hedgerow shall be retained at a minimum height of 2m from the adjoining ground level unless agreed otherwise. The management plan shall detail improvements required to the visibility splay to be submitted to, and agreed in writing by, the Local Planning Authority and carried out before the use is implemented. There shall be no obstruction above 900mm in height within the visibility splay. Development shall be carried out strictly in accordance with the approved details;
 - (k) Prior to the commencement of the development, details of the foul water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the mobile homes are occupied.
- (Note to applicant:- Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

Reason for granting planning permission:-

The proposed development would address an identified need as set out in the Gypsy and Traveller Accommodation Assessment (GTAA). The proposed siting of the development was considered to be acceptable and would have no significant adverse impact upon the rural character or appearance of the

area. The proposal therefore accorded with Taunton Deane Local Plan Policies S1, S2, S7 and H14 and guidance contained within Circular 01/06.

25/10/0032

Change of use to an indoor karting facility at Unit 13A, Taunton Trading Estate, Norton Fitzwarren

Conditions

- (a) This permission shall expire on 2 March 2016. On or before that date the use hereby permitted shall be discontinued;
- (b) Noise emissions, expressed in terms of an A-Weighted, 2 Min Leq, from any part of the premises or land to which this permission refers shall not be higher than a level that is 3dB below the background level when measured at the footpath on the south side of Blackdown View at the junction with the B3227 (grid ref ST 2009, 2600). For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (c) The business shall only operate within the hours of use specified within the application, Monday to Saturday 10:00 to 21:00 and Sunday and Bank Holidays 10:00 to 20:00;
- (d) The use shall not be implemented until a schedule of noise mitigation measures have been submitted to, and agreed in writing by, the Local Planning Authority. The approved mitigation shall be fully implemented in accordance with the approved details prior to the premises being used for go karting. The mitigation measures shall be retained thereafter in accordance with the approved details.

(Notes to applicant:- (1) Applicant was advised that oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area; (2) Applicant was advised that any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system).

Reason for granting planning permission:-

The proposed temporary use of the building as a karting venue was considered acceptable, subject to the proposed noise mitigation measures and the imposition of a noise restrictive condition. It was considered that as the existing unit was vacant and was earmarked for future development as part of the wider redevelopment of the Trading Estate, the proposal would not undermine the Council's aim of protecting employment land (Policy EC9). It was therefore considered that a temporary use of the building would be acceptable and would not result in any loss of long term employment for a B1/B2/B8 use given the re-development plans for the site.

43/10/0129

Erection of dwelling and garage at land adjacent to Oak Villa, 1 Northside, Rockwell Green, Wellington

Conditions

- (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) Location Plan
 - (A4) Revised Site Plan - received 23 January 2011
 - (A4) Revised Elevation Plans - received 23 January 2011;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) The dwelling shall not be occupied until the access track over the first 10m of its length when measured from the highway, known as Rockwell Green, has been properly consolidated and surfaced. The access construction shall be type 1 sub base, 20mm base course and 20mm macadam wearing course. Development shall be carried out in accordance with the above details unless agreed in writing by the Local Planning Authority;
- (e) The applicant shall undertake all the recommendations set out in the ecological report undertaken by Richard Green dated April 2010. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that 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 any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity or, on balance, have an adverse impact on highway safety, and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

48/10/0059

Application for variation of Condition 2 of application 48/03/0073 to incorporate the months of February, March and November to allow car boot sales to take place at Prockters Farm, West Monkton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, the site shall only be used for the purpose of car boot sales on Sundays and Public Holidays between February and November (inclusive) in any year;
- (c) The applicant shall not cause or permit any noise or nuisance to affect the local amenity and the car boot sale shall be limited to the following hours: Sundays 0800 -1300, Public Holidays 0800 -1300. The site of the sale and all roads must be left in a clean and tidy condition and free from litter immediately after the close of the sale.

Reason for granting planning permission:-

The proposal was not considered to have a detrimental impact upon visual or residential amenity or on highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) and Policies 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

18. **Erection of 22 dwellings (15 market dwellings and 7 affordable), a village shop and change of use from agriculture to community use of an adjoining field fronting Church Road at Newberry Farm, Taunton Road, Churchinford (10/10/0024)**

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement to secure a contribution for the improvements to the sewage treatment works, the future use of the adjacent field for recreation purposes, maintenance of the play area, provision of a community shop and affordable housing, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, 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 approved plans listed in the schedule by Peter Smith Design Service Ltd revised 17/2/11;
- (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, excluding site works, shall begin until a panel of the proposed stone and brickwork 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;

- (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) The boundary treatment shown on drawing 1068/01G shall be completed before buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) Before development commences, including site clearance and any other preparatory works, a scheme for the protection of trees and hedges 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 5837:2005. 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 construction 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. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;
- (h) Details of the materials of the windows and doors hereby permitted shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter maintained as such;
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associates Ecological survey, dated October 2010 and further monitoring of the badger sett to be undertaken and include:- (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the enhancement of places of rest for wildlife. 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. The development shall not be

occupied until the scheme for the maintenance and provision of the new bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (j) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (k) Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (i) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (ii) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance, or guidance and procedures which may have superseded or replaced this. A report detailing the site investigation and risk assessment shall be submitted to, and approved in writing by, the Local Planning Authority; (iii) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (l) There shall be no occupation of more than 8 dwellings on the site until the improvement works to the sewage treatment works have been agreed with South West Water and carried out in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- (m) 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 unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation;
- (n) A schedule for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority indicating a renewable energy source for each property and the said source must be commissioned and installed prior to occupation;
- (o) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge, unless otherwise agreed with the Local Planning Authority, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the

existing soil levels around the base of the hedges so retained shall not be altered;

- (p) The boundary hedging to the roadside (east) and northern boundaries of the site shall be retained and not removed at any time;
- (q) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the near side carriageway edge 70m either side of the access. Such visibility shall be fully provided before any part of the development hereby permitted is occupied and shall thereafter be maintained at all times;
- (r) 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;
- (s) No part of the access drive shall be laid out at a gradient steeper than 1 in 10;
- (t) 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;
- (u) The proposed estate roads, footways, footpaths, tactile paving, street lighting, cycleways, lay bys, verges, junctions, sewers, drains, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before the 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;
- (v) No house construction work shall commence on the development hereby permitted until details of the footway shown on drawing no 3624-101A have been submitted to, and approved in writing by, the Local Planning Authority. Such footway shall be fully constructed in accordance with the agreed plan and specification before any part of the development is first occupied;
- (w) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge to the highway and details of which shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so provided;
- (x) Details of the surface finish to roads within the site, other than tarmac, shall be submitted to, and approved in writing by, the Local Planning Authority prior to their formation and thereafter carried out as agreed;
- (y) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway during the construction period. In particular, but without prejudice to the foregoing, efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the

- commencement of development, and thereafter maintained until construction on the site has ceased;
- (z) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;
 - (aa) The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
 - (bb) The windows hereby permitted shall be recessed in the wall to a minimum of 70mm unless otherwise agreed in writing by the Local Planning Authority;
 - (cc) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
 - (dd) Development shall not commence until the means of the surface water run-off limitation scheme and disposal for the site has been submitted to, and agreed in writing by, the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The timing of the works shall also submitted to, and agreed in writing by, the Local Planning Authority and thereafter the approved scheme shall be implemented in accordance with the approved programme and details, prior to the occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority;
 - (ee) Notwithstanding the detail on drawing on 1068/01G the small section of hedge separating the play area and open space shall be removed prior to the area being brought into use.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. 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. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions; (2) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that works to be undertaken on or adjoining the publicly maintainable highway require a licence under Section 171 of the Highways Act 1980 and must be obtained from the Highway Authority).

Reason for planning permission, if granted:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and would have limited visual impact within the wider landscape of the Area of Outstanding Natural Beauty and would not give rise to highway danger. In addition, there would be adequate drainage provided for the new development and the benefits of the development in terms of recreation, affordable housing and a community shop was therefore considered acceptable and sufficient to outweigh the location outside of the settlement limit and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Leisure and Recreation Provision), M4 (Residential Parking) and EN10 (Areas of Outstanding Natural Beauty).

19. Development of up to 300 dwellings with a local centre, public open space landscaping, highways access and associated infrastructure works at land at Cades Farm, off Taunton Road, Wellington (43/10/0127)

Reported this application.

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

(1) Transportation

- (a) Implementation and improvement works on the Taunton Road approach to the Chelston roundabout, or a contribution of £100,000 for Somerset County Council to implement these works;
- (b) £20,000 contribution towards the completion of a comprehensive study relating to the Chelston roundabout;
- (c) £200,000 towards comprehensive improvements to the Chelston roundabout resulting from the study;
- (d) The design, construction and funding of a pedestrian/cycle/emergency access to Gay Close;
- (e) Upgrading of the public footpath between Lillebonne Close and Gay Close and the Chelston business parks, together with the diversion of the eastern end to either Westpark 26, Taunton Road or both;
- (f) A travel voucher for the first occupation and on the second anniversary of occupation, based on costs of between £100 and £250 per dwelling (1 bed - £100, 2 bed - £150, 3 bed - £200, 4 bed - £250); and
- (g) An agreed travel plan based on the draft submitted in December 2010;

(2) On Site Open Space

Provision of 4.32 ha of public open space comprising:-

- (i) 1.33 ha of play and activity space (including 1 neighbourhood/ local equipped area for play and four local areas for play);
- (ii) 2.99 ha of strategic hedgerow/wildlife corridors; and
- (iii) Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company;

- (3) Active Recreation
Provision of £1,100 per dwelling towards off-site provision;
- (4) Local Centre
 - (a) Dedication of land to Taunton Deane Borough Council for the development of a community hall; and
 - (b) Provision of land for a local shop or shops (precise delivery mechanism to be agreed);
- (5) Education
 - (a) A contribution of £735,420 (pro-rated to a per-dwelling figure) towards primary education; and
 - (b) A contribution of £443,256 (pro-rated to a per-dwelling figure) towards secondary education;
- (6) Affordable Housing
35% affordable housing of which 50% social rented; 25% intermediate and 25% low cost; and
- (7) Surface Water Attenuation
Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

- (a) (i) Approval of the details of the layout, scale, appearance, access 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;
- (ii) Application for approval of the reserved matters for the first phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission;
- (iii) Application for approval of the reserved matters for the final phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission.
- (iv) The development of each phase hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Prior to the commencement of the development hereby permitted, a phasing programme shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (d) Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local

Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Brookbanks Consulting and dated 16 February 2011) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme;

- (e) Surface water shall not be allowed to discharge from any private drives onto the public highway and details of how such will be achieved shall be submitted to and approved with any reserved matters application made pursuant to condition (a). The agreed details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such;
- (f) Prior to the commencement of any phase of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing, by the Local Planning Authority:-
 - (i) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
 - (ii) A site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - (iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - (v) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
- (g) Before any phase (as agreed pursuant to condition (c)) of the development commences, including site clearance and any other preparatory works and a scheme for the protection of trees and hedges 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 5837:2005. 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 for that phase or until such time as may otherwise be 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. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;
- (h) The development shall provide public open space in accordance with the details indicated on the parameters plan (Drawing 400-001 rev H) hereby permitted. Full details of the open space, including any required children's

play equipment, benches, bins or any other required paraphernalia shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details required pursuant to condition (a). The open space and any associated equipment shall be fully provided and operational prior to the occupation of 75% of the dwellings within the phase, as agreed pursuant to condition (c), to which it relates and shall thereafter be maintained as such;

- (i) Details of the proposed street and other external lighting for the development shall be submitted to, and agreed in writing by, the Local Planning Authority as part of the details submitted pursuant to condition (a);
- (j) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submission pursuant to condition (a). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority;
- (k) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- (l) The eastern and western basins shall be constructed in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development of the phases to which they relate and shall thereafter be maintained as such;
- (m) The development hereby permitted shall not be commenced until details of a Landscape and Wildlife strategy has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EDPs submitted ecology appraisal dated October 2010, EDPs letter dated 26 January 2011 (ref L/EDP1267/KH/av) and EDPs supplementary information relating to ecological mitigation and enhancement measures dated February 2011 and up to date surveys and include:-
 - (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development (Ecological Construction Method Statement);
 - (ii) Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;
 - (iii) measures for the enhancement of places of rest for breeding birds, dormice and bats;
 - (iv) Details of a sensitive lighting strategy;
 - (v) The submission of a Landscape and Ecological Management Plan (LEMP);
 - (vi) Ongoing ecological monitoring for a period to be agreed, which will inform the ongoing management of the site.

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. No phase, as agreed pursuant to condition (c), of the development shall be occupied until the scheme for the maintenance and provision of the new bird, dormice and bat boxes and related accesses relevant to that phase have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (n) Prior to the commencement of the development hereby permitted, full details of a management strategy for the retained hedgerows shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed management strategy shall thereafter be strictly adhered to;
- (o) For any phase of the development, as agreed pursuant to condition (c), 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 parking, and street furniture shall be constructed and laid out in accordance with details that shall first have been 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;
- (p) (i) The landscaping and planting schemes shown on any plans submitted and agreed in respect of condition (a) shall be completely carried out within the first available planting season from the date of commencement of the development;
(ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (q) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars as agreed in respect of condition (a); and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the completion of the phase to which it relates:-
 - (i) 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 3998:1989 (Tree Work)];
 - (ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within 12 months of its destruction or death. The species and size of that replacement tree shall first have been agreed in writing by the Local Planning Authority;
- (r) The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term 'working' shall

for the purposes of clarification of this condition include the use of any plant or machinery, the carrying out of any maintenance or cleaning work on any plant and machinery, deliveries to the site and movement of vehicles within the site.

(Notes to applicant:- (1) Applicant was advised that if any unexpected contamination is found during the development it should be assessed and, if necessary, remediated in line with current best practice. Under Planning Policy Statement 23, it is the responsibility of the developer to ensure that the development is safe and suitable for use for the purpose for which it is intended; (2) Applicant was advised that development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary stopping up or diversion Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with; (3) Applicant was advised that 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 condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed Ecological Construction Method statement clearly stating how wildlife will be protected through the development process, and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (5) Applicant was advised that the conditions relating to drainage have been recommended to ensure that the principles of the agreed flood risk assessment are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated flood risk assessment and masterplan which shows discharge rates and SuDs control measures for each plot. Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals).

Reason for planning permission, if granted:-

The proposed development would create a new residential neighbourhood that respected surrounding buildings, topography and landscape features. It would be reasonably well linked and integrated with the existing built form of Wellington and would encourage travel within the town by modes other than the private car. Any impact on wildlife would be adequately mitigated and the favourable conservation status of European Protected Species would be maintained. The impact upon local community facilities, education and highway infrastructure would be mitigated through the provision of land for new facilities and contributions to improve off site provision. Adequate public open space would be provided for the day to day needs of the new residents and there would be contributions towards off-site enhancement of sports pitches and active recreation facilities. Taking account of the above factors, the proposal was considered to result in a sustainable urban extension to Wellington, contributing to maintaining a five year supply of deliverable

housing sites in accordance with the Council's policy to release interim sites ahead of adoption of the Core Strategy, including provision for affordable housing which taken together were sufficient material considerations to outweigh the conflict with the development plan which seeks to restrict new residential development in this area. The proposal, therefore, accorded with Policies S1 (General Requirements), S2 (Design), H9 (Affordable Housing within General Market Housing), M5 (Cycling), C1 (Education Provision for New Housing), C4 (Standards of [open space] Provision), C6 (Public Rights of Way), EN3 (Local Wildlife and Geological Interests), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows) of the Taunton Deane Local Plan; Policies STR1 (Sustainable Development), STR2 (Towns), Policy 1 (Nature Conservation), Policy 42 (Walking), Policy 44 (Cycling), Policy 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 9 (Biodiversity and Geological Interests), 25 (Development and Flood Risk).

Also **resolved** that in the event that the Section 106 Agreement was not signed within three months, the Growth and Development Manager be authorised to refuse planning permission.

20. Erection of agricultural storage building at Dunns Farm, Runnington, Wellington

Reported that a steel portal frame agricultural storage building had been erected at Dunns Farm, Runnington, Wellington without the necessary planning consent being granted.

The owners of the site had submitted an Agricultural Notification seeking a determination as to whether prior approval for the erection of the building would be required. However, there had been some confusion regarding the requirements for the application and the erection of the building had commenced. As an Agricultural Notification could not be approved in retrospect, an application for planning permission was required to regularise the situation.

Although no such application had been received to date, if one was to be submitted to retain the building, the Growth and Development Manager was of the view that permission was likely to be granted.

If was therefore considered unnecessary to take any further enforcement action.

Resolved that no further action be taken.

21. Appeals

Reported that four appeal decision had been received, details of which were submitted.

(The meeting ended at 8.05 pm.)

