

Planning Committee – 26 March 2008

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Bowrah, Critchard, Denington, C Hill,
House, Miss James, McMahon, Mrs Smith, Watson,
Ms Webber, A Wedderkopp, D Wedderkopp and Miss Wood.

Officers:- Mr T Burton (Development Manager), Mr J Hamer
(Development Control Area Manager – West), Mr G Clifford
(Area Planning Manager - East), Mrs J Moore (Development
Control Principal Officer - East), Mrs J M Jackson (Senior
Solicitor) and Mrs G Croucher (Democratic Support Officer).

Also present:- Councillors Mrs Copley and Govier in relation to Application
No 43/2008/016 and Councillor Coles.

(The meeting commenced at 5.00 pm.)

24. **Apology**

Councillor Woolley.

25. **Minutes**

The Minutes of the meeting held on 27 February 2008 were taken as read and were signed.

26. **Declarations of Interest**

Councillor Ms Webber declared a personal interest in Application
No 48/2007/061.

Councillors McMahon and Watson declared personal interests in Application
No 36/2007/022 as they both knew the applicant.

Councillors Bowrah and Critchard declared that they would neither speak nor
vote in relation to Application No 43/2008/016 as they both considered that
they had “fettered their discretion” in advance of the meeting.

27. **Applications for Planning Permission**

The Committee received the report of the Development Manager on
applications for planning permission and it was **resolved** that they be dealt
with as follows:-

- (1) That **outline planning permission** be granted for the under-
mentioned development, subject to the standard conditions adopted by
Minute No 86/1987 of the former Planning and Development
Committee and such further conditions as stated:-

02/2008/001

Erection of dwelling (renewal of permission 02/2005/001), land adjacent to Brooklands, Ash Priors.

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014A - time limit;
- (d) C101 - materials;
- (e) C201 - landscaping;
- (f) C215 - walls and fences;
- (g) C917 - services - underground;
- (h) P001A - no extensions;
- (i) P003 - no ancillary buildings;
- (j) P005 - no garages;
- (k) P006 - no fencing;
- (l) C927 - Contaminated land - barns/small sites;
- (m) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed on the first floor north elevation;
- (n) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (o) Before the dwelling hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (p) The gradient of the proposed access shall not be steeper than 1 in 10;
- (q) At the junction of the private road with Ash Priors Road, there shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of a line drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to a point on the near side carriageway edge 60 m to the right of the access. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (r) At the access, there should be no obstruction to visibility greater than 900 mm above adjoining road level forward of a line drawn back from and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.

- (s) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.
- (t) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced.
(Notes to applicant:- (1) N126 - ground contamination; (2) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detailed design stage; (4) Applicant was recommended to agree with Wessex Water prior to the commencement of any works on site, connection to Wessex Water infrastructure; (5) Applicant was advised of the importance of checking with Wessex Water to ascertain whether there are any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, the applicant should plot the exact position on the design site layout to assess the implications. It should be noted that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such an agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.)

Reason for granting outline planning permission:-

The proposal for residential development was located within defined settlement limits where new housing was encouraged. The proposal would not adversely affect visual and residential amenity or road safety. The proposal therefore did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

- (2) That **planning permission be granted** for the under-mentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

11/2008/001

Erection of extension to rear and re-roofing of garage to form garden room at Little Orchard, Combe Florey

Conditions

- (a) C001A – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, nor visual and residential amenity, nor the character and appearance of the designated Conservation Area. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN14 (Conservation Areas).

21/2008/001

Erection of dwelling adjacent to White Oaks and alterations to White Oaks, Langford Budville (resubmission of 21/2007/025)

Conditions

- (a) C001A - time limit;
- (b) Within a period of three years from the date of this permission and before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority;
- (c) Before commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used, without the written consent of the Local Planning Authority;
- (d)
 - (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 the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed-free condition to the satisfaction of the Local Planning Authority 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;
- (e) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing

- by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
- (f) There shall be no obstruction to visibility greater than 900 mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided before the dwelling hereby permitted is occupied and shall thereafter be maintained at all times;
 - (g) The dwelling hereby permitted shall not be occupied until the access, parking and turning area shown on the approved plan has been properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall not be used other than for the parking of vehicles or for the purpose of access;
 - (h) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use;
 - (i) C416 - details of size, position and materials of meter boxes;
 - (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1988 (or any subsequent order amending or revoking and re-enacting that order), no gate, fence, wall or other means of enclosure or any building or other structure shall be erected on the site beyond the forward-most part of the front of the dwelling house or on the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
 - (k) Details of the arrangements to be made for the disposal of the foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced.
(Notes to applicant:- (1) N061 - Highways Act - Section 184 Permit; (2) N118 - disabled access; (3) N112 - energy conservation; (4) N114 - meter boxes; (5) N115 - water conservation; (6) N051B - health and safety; (7) Applicant was requested to give consideration to discussions with BT regarding relocation of the telephone box on the site; (8) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (9) Applicant was advised of a number of requirements stipulated by Wessex Water.)

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, nor road safety, nor visual and residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

36/2007/022

Formation of new raised roof structure over car port and enlargement of access gate opening at Walnut Arbour, Curload, Stoke St Gregory, Taunton

Conditions

- (a) C001A - time limit;
- (b) C102A - materials;
- (c) C111 - materials - for drives;
- (d) C238 - tree protection in relation to construction;
- (e) Prior to commencement of works on site, a full wildlife survey shall be undertaken between the months of April 2008 to September 2008 by a qualified Environmental Consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law. The development shall be carried out in accordance with such measures;
- (f) Any gates provided shall be hung to open inwards only and shall be set back a minimum distance of 4.5 m from the edge of the adjoining highway carriageway;

(Note to applicant:- Applicant was advised of the need to comply with the requirements of the Party Wall Act.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

38/2008/063

Retention of Conservatory to side and retention of 2.2 m fence to side at 31 Wellington Road, Taunton

Reason for granting planning permission:-

The design and scale of the conservatory and the fence was considered to have a minimal impact upon the visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

Also **resolved** that the enforcement notice previously served in respect of the conservatory and the fence be withdrawn.

- (3) That **planning permission be refused** for the under-mentioned development, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

43/2008/016

Retention of fence at 32 Seymour Street, Wellington

Reason

In the opinion of the Local Planning Authority, the fence constitutes an incongruous feature in the street scene adversely affecting visual amenity. The fence was therefore contrary to Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

Also **resolved** that:-

- (i) Enforcement action be taken seeking the removal of the unauthorised fence which had been erected at 32 Seymour Street, Wellington;
 - (ii) Such action be deferred for a period of three months from the date of the meeting to allow the owner of 32 Seymour Street, Wellington, to submit a further planning application to retain the fence already in place; and
 - (iii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should any enforcement notice, subsequently served, not be complied with.
- (4) That **no objection be raised** to planning application No **38/2008/045**, construction of Third Way Road including a new bridge over the River Tone, between Castle Street and Wood Street, Taunton, subject to the further detailed consideration of the following matters:-
- (a) The bus stop adjacent to Greenbrook Terrace should be deleted and the impact of the land taken in this area should be considered to reduce impact on the adjacent development site;
 - (b) The layout in terms of the pedestrian and cycle crossing points should be reconsidered and a satisfactory route to achieve a crossing of the Third Way Road by the strategic footway/ cycleway route needs to be provided;
 - (c) Details of alternative lighting column designs and the extent of the lighting impacts on wildlife should be achieved through appropriate conditions;
 - (d) The materials of the new footways should be amended to reflect the emerging Taunton Design Code and should be conditioned so as not to be tarmac and timber (see Canon's Marsh, Bristol);
 - (e) Details of trees within footways should be considered as part of any comprehensive landscaping scheme;
 - (f) Town badges should be included in the design of the bridge.

28. **Construction of a roundabout and alteration of associated roads and highway structure at the former chicken hatchery, Bridgwater Road, Monkton Heathfield (48/2007/019)**

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement covering the following requirements:-

- The provision and maintenance of a landscaping bund adjacent to the new roadway;
- A requirement that the road and roundabout be provided prior to the occupation of the 301st house to be constructed as part of the Local Plan allocated site at Monkton Heathfield, or when the balance of the Eastern Relief Road has been constructed up to the boundary of the site, whichever is the sooner;
- An obligation that in default of the requirement to construct the road and roundabout, rights will be granted to a third party to enter onto the land and construct the same;
- The agreement to include the mechanism for valuation in the event that a third party exercises such rights (by means of Royal Institution of Chartered Surveyors Arbitration or similar);
- An obligation that the roundabout is dedicated either as soon as it is completed or as soon as a third party steps in to complete it in the event of default; and
- Obligation to submit a planning application for the remainder of the site for B1/B8 uses as identified in the Monkton Heathfield Development Guide,

the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A - time limit;
- (b) C301 – highways – in accordance with the County Highway Authority’s booklet;
- (c) C926B – remediation investigation/certificate;
- (d) Prior to the commencement of the development, the applicant shall appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing and proposed road sources will not be detrimental to the amenity of the occupants of existing premises and premises on the completed development. Internal noise levels in a residential premises on, or adjacent to the development and proposed roads shall not exceed 40dB La eq (16 hour) during the daytime (0700 to 2300 hours) and 30dB La eq (8 hour) in a bedroom at night (2300 to 0700 hours) with a night time maximum of 45dB ILa max. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction

- scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report shall be agreed, in writing, by the Local Planning Authority prior to the commencement of development;
- (e) Prior to the commencement of works on site, an updated wildlife survey shall be undertaken by a suitably qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;
 - (f) No development shall take place on the site until there has been submitted to and approved in writing by the Local Planning Authority a design code for the site in its entirety (hereafter called the approved design code). The approved design code shall be approved prior to the submission of any application for reserved matters. The design code shall include detailed codings for:
 - Architectural and sustainable construction principles;
 - Phasing of the development;
 - Character areas;
 - Street types and street materials;
 - Block types and block principles;
 - Internal highways, cycle ways and footpaths;
 - Renewable and energy efficiency measures;
 - Car parking principles;
 - Building types and uses;
 - Building heights;
 - Building materials;
 - Surface treatments;
 - Boundary treatments;
 - Children's play areas, playing fields and public open space;
 - Landscaping strategies;
 - Wildlife mitigation;
 - Proposed uses for the employment areas and local centre;
 - Mechanisms for periodic review and alteration to the design code if required.
 - (g) A clear strip of land at least 5.0m in width shall be retained free from any new buildings or structures adjacent to any watercourse fronting or crossing the site. Ground levels must not be raised above existing levels within such a strip of land, unless otherwise agreed in writing by the Local Planning Authority.

Reason for planning permission, if granted:-

To enable the delivery of the Monkton Heathfield allocated site in accordance with Taunton Deane Local Plan Policies T8-T12.

29. **Proposed mixed use urban extension comprising 900 dwellings, B1 business, local centre, primary school, playing fields and open space, new A38 relief road at Monkton Heathfield Development site, Monkton Heathfield (48/2007/061)**

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement in respect of the following:-

- Affordable housing (35% to be split as 50% social rented, 25% shared ownership and 25% discounted open market);
- Education (provision of new 14 class primary school and playing fields, monies towards improvements to the secondary school and the provision of a secondary school playing field);
- Social and community facilities (library contributions, joint community facilities and enlarged school hall);
- Playing fields, public open space and nature reserve (facilities to be provided in a phased manner linked to the development of the site, payments for the adoption/maintenance of those areas of land);
- Drainage (contributions towards the improvement of receiving water courses);
- Highway package (traffic calming works to the A38 and A3259, bus priority measures, green travel plans, cycle/pedestrian network, bus shelters);
- Eastern relief road (provision of technical detail of link to proposed roundabout, timing of provision);
- Western relief road (funding for land acquisition, timing, design and construction of road); and
- Children's play areas (amount, location of equipment, timing of provision and maintenance),

The Development Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission was granted, the following conditions be imposed:-

- (a) Before any part of the development hereby permitted is begun, a phasing plan should be submitted and approved in writing. Detailed drawings, to an appropriate scale of the siting, design and external appearance of the buildings, the access thereto, the site levels and the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority for each phase. Prior to the commencement of that phase, the phasing plan shall show 23,251 sq. m of industrial floor space to be constructed prior to the completion of 650 dwellings;
- (b) Application for approval of reserved matters under (a) above relating to the first phase, shall be made to the Local Planning Authority within 3 years of this planning permission and application for approval of reserved matters under (A) above relating the remaining phases shall be made to the Local Planning Authority within 10 years of the date of this permission;

- (c) The development hereby permitted shall be begun before the expiration of 3 years from the date of the approval of the reserved matters for the first phase;
- (d) Prior to the occupation of the 651st dwelling an application for the necessary road improvements to Milton Hill and the construction of the Western Relief Road, as identified in the Taunton Deane Local Plan Policy T8 and submitted traffic impact assessment shall have been submitted to, and approved in writing by, the Local Planning Authority and the road constructed in accordance with the approval;
- (e) Prior to the occupation of the 301st unit of housing on the site, the Eastern Relief Road as shown on the submitted plans and the northern and southern pedestrian/cycle bridges shall be completed in accordance with the approved details;
- (f) No development shall take place on the site until full details of the proposed northern and southern pedestrian and cycle bridges, which form part of the Eastern Relief Road have been submitted to, and approved in writing by, the Local Planning Authority;
- (g) No development shall take place on the site until there has been submitted to, and approved in writing by, the Local Planning Authority a design code for the site in its entirety (hereafter called the approved design code). The approved design code shall be approved prior to the submission of any application for reserved matters. The design code shall include detailed codings for:
- Architectural and sustainable construction principles;
 - Phasing of the development;
 - Character areas;
 - Street types and street materials;
 - Block types and block principles;
 - Internal highways, cycle ways and footpaths;
 - Renewable and energy efficiency measures;
 - Car parking principles;
 - Building types and uses;
 - Building heights;
 - Building materials;
 - Surface treatments;
 - Boundary treatments;
 - Children's play areas, playing fields and public open space;
 - Landscaping strategies;
 - Wildlife mitigation;
 - Proposed uses for the employment areas and local centre;
 - Mechanisms for periodic review and alteration to the design code if required;
- (h) Applications for the approval of reserved matters shall accord with the approved design code unless otherwise agreed in writing by the Local Planning Authority;
- (i) Prior to the commencement of works on site full details, including a timetable for implementation, of the proposed surface and foul water drainage for the site shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall thereafter be

- provided in accordance with those approved details unless an alternative is first agreed in writing by the Local Planning Authority;
- (j) No development for any residential or commercial building approved by this permission shall be commenced until such time as full engineering details of a surface water limitation scheme and the timing of its provision, on a phased basis has been submitted to, and approved in writing by, the Local Planning Authority. The details submitted shall accord with the drainage principles set out in the submitted Hyder Flood Risk Assessment work, and shall indicate the future ownership, operation and maintenance liability for the surface water drainage infrastructure on site. The scheme shall be constructed in accordance with the approved details and timescale;
 - (k) Prior to the submission of any reserved matters a landscape strategy and management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The proposed landscaping strategy shall include details of the proposed structural and internal landscaping and the proposed phasing of their provision;
 - (l)
 - (i) Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (ii) Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences;
 - (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs as may be approved in writing by the Local Planning Authority;
 - (m) Before any part of the permitted development 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;
 - (n) Before any part of the development is commenced detailed drawings shall be submitted to, and approved in writing by, the Local Planning Authority showing existing and proposed levels and contours of the development site;
 - (o) Before any part of the development hereby permitted is commenced,
 - (a) a plan shall be prepared to the satisfaction of the Local Planning Authority showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, 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 5837:2005);
 - (b) details of the

species, height, trunk diameter at 1.5m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;

- (p) No service trenches shall be dug within the root protection area of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority;
- (q) No residential buildings shall be erected within two thirds of the mature height of any retained tree on the site;
- (r) All existing trees, shrubs and hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes (enclosed) and relevant British Standards (e.g. BS 5837:1991), for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the authority;
- (s) No development shall take place on site until a schedule and plan of trees to be retained and the method and timing for the protection of those trees during construction within each phase is submitted to, and approved in writing by, the Local Planning Authority. The agreed protection works shall be installed in strict accordance with the schedule and plan and shall be maintained in a good state during the adjacent construction works;
- (t) 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 BS5837:2005. Such fencing shall be erected prior to any other site operations and at least 2 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. Note: the protective fencing shall be as specified at chapter 9 and detailed in figures 2 and 3 of BS5837:2005;
- (u) 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 2.0m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of

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

- (v) All trenching works within the canopy spread of existing trees shall be agreed with the Local Planning Authority's Landscape Officer. All works shall be hand dug and no roots larger than 20 mm 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;
- (w) Within one month of completion of the landscape scheme the applicant shall provide an as built/planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies a letter confirming no variations shall be received by this Authority within one month of the completion of the landscape scheme;
- (x) Details of the siting of temporary building(s), construction and materials storage compounds shall 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;
- (y) Within 1 month of the date of the completion of each phase of construction works, a plan for the maintenance of all areas of open space specifying the number and timing of grass cutting, shrub pruning and tree maintenance shall be submitted to, and approved in writing by, the Local Planning Authority. The approved maintenance plan shall thereafter be strictly implemented unless variations thereto are agreed in writing by the Local Planning Authority;
- (z) There shall be a landscape buffer a minimum of 20m from the boundary of Manor Farm, Langaller Lane unless otherwise agreed in writing by the Local Planning Authority;
- (aa) Prior to the commencement of works on the first phase full details of the internal "spine" road of the development, including the timing of provision, layout, alignment, width and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be submitted to, and approved in writing by, the Local Planning Authority. The internal roads shall then be constructed in compliance with the approved details and maintained as such thereafter;
- (bb) Prior to the commencement of each phase, details of all estate roads required for that phase, including the layout, alignment, width and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be submitted to, and approved in writing by, the Local Planning Authority;
- (cc) Prior to the commencement of any phase full details of the proposed car and cycle parking for that phase shall be submitted to, and approved in writing by, the Local Planning Authority;
- (dd) The proposed roads, footpaths, turning spaces and parking where applicable, shall be constructed in such a manner as to ensure that each dwelling or building before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath;
- (ee) Prior to the occupation of any of the employment/retail premises hereby approved full details of the servicing yards/unloading/loading areas shall be submitted to, and approved in writing by, the Local

- Planning Authority and thereafter provided in accordance with the approved details;
- (ff) Prior to any access or drive being brought into use, it shall be hard surfaced in tarmacadam or such other material as shall be agreed in writing by the Local Planning Authority for a distance of six metres back from the edge of the carriageway;
 - (gg) 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), any entrance gate(s) shall be set back a minimum distance of 4.5 m measured from the edge of the adjoining carriageway and the side of the access splayed at an angle of 45 degrees between the edge of the adjoining carriageway and the side of the entrance gates;
 - (hh) No development shall commence on site until a cycleway/footpath strategy plan has been submitted to, and approved in writing by, the Local Planning Authority. The submitted plan shall provide for the existing footpaths and safe routes to school network;
 - (ii) Prior to the commencement of any phase, full details of the proposed materials to be used for all the external surfaces of the buildings shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the prior written approval of the Local Planning Authority;
 - (jj) Prior to the commencement of any phase, full details of the proposed surface treatment for roads, drives, turning areas and other hard landscaped areas shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the prior written approval of the Local Planning Authority;
 - (kk) Before any phase, details of all boundary walls, fences or hedges forming that phase of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
 - (ll) No residential building shall be constructed within 10 m of the boundary of any locally equipped area for play (LEAP) and no residential building shall be built within 30 m of the boundary of a neighbourhood-equipped area for play (NEAP);
 - (mm) Prior to the development of any dwellings surrounding the retained cricket pitch full details of a protective fence, to be placed a minimum of 55 m from the cricket square and conforming to British Standards shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary fence shall be erected on site prior to the occupation of any of the dwellings fronting the cricket pitch and shall thereafter be maintained in accordance with those approved details;
 - (nn) Reserved matters for each phase, shall provide open space in accordance with the approved open space plan for the whole site unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
 - (oo) Prior to the submission of reserved matters for the first phase of development, a waste management plan shall be submitted to, and

- approved in writing by, the Local Planning Authority. The waste management plan shall include proposals for the means by which waste from the site can be managed and recycled to accord with the Somerset Waste Local Plan Policies W9 and W18. The approved plan shall thereafter be implemented and maintained as such thereafter;
- (pp) No development shall take place until a strategic wildlife management strategy for the whole site is submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the submission of current wildlife surveys, necessary protection measures, timings of works, mitigation strategies (including retention, replacement and enhancement of habitat for the species affected and their long term security and maintenance), monitoring of bats post development to comply with the legal requirements and remediation works as may be deemed necessary if the results of the monitoring show a negative impact on the species, and measures to enhance, restore and add to the biodiversity conservation interests and delivery mechanisms for the whole site;
- (qq) Prior to the commencement of each phase, a detailed wildlife management plan shall be submitted to, and approved in writing by, the Local Planning Authority. This detailed wildlife plan shall include current surveys of the area and shall incorporate appropriate mitigation strategies. The plan shall show how it conforms to the overall strategic wildlife plan or, if it differs from that plan, explain fully the reasons for any alterations. All agreed recommendations shall be fully implemented in accordance with the approved details;
- (rr) Prior to the commencement of any works on the relevant phase, full details of the Dyers Brook Nature Reserve shall be submitted to, and approved in writing by, the Local Planning Authority. Such detail shall include a programme for the delivery of the approved scheme;
- (ss) Prior to the commencement of the development, the 33kv electricity cables crossing the site shall be placed underground;
- (tt) Noise from the demolition and construction phases, that is audible at the boundary of any residential premises, shall be limited to the following hours: Mon-Fri 0800-1800 hours and Saturdays 0800-13:00 hours. At all other times, including public holidays, noise shall not be audible at the boundary of any residential premises;
- (uu) Prior to the commencement of the development, the applicant shall appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing and proposed road sources will not be detrimental to the amenity of the occupants of existing premises and premises on the completed development. Internal noise levels in a residential premises on, or adjacent to the development and proposed roads, shall not exceed 40db La eq (16hr) during the daytime (0700-2300 hours) and 30db La eq (8hr) in a bedroom at night (2300-0700hours) with a night time maximum of 45 db ILa max. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any

- such scheme is based. Such report shall be agreed, in writing, by the Local Planning Authority prior to the commencement of development;
- (vv) Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:
- (i) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations;
 - (ii) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
 - (iii) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data shall be reviewed to establish whether there are any unacceptable risks that will require remedial action;
 - (iv) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site;
 - (v) Submission to the Local Planning Authority of two copies of the consultants written report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented;
 - (vi) If any significant underground structures or contamination is discovered following the acceptance of the written report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to, and accepted in writing by, the Local Planning Authority;
 - (vii) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.

- a. All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance.
 - b. All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works shall use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage;
- (ww) The proposed employment sites shall be used for Class B1 (employment) or B8 (warehousing) purposes only as deferred in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any Statutory Instrument revoking or re-enacting that Order. Within the B1 use, office use shall be subject to a maximum floor area of 600 sqm across the whole application site, unless a sequential test in accordance with the requirements of Planning Policy Guidance Note 6 is first submitted to, and approved in writing by, the Local Planning Authority;
- (xx) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the employment sites except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority;
- (yy) No retail sales, except ancillary trade sales, shall take place from the B1 or B8 employment premises at any time;
- (zz) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority;
- (aaa) No development shall take place on site until an energy strategy for the whole site has been submitted to and approved in writing by the Local Planning Authority. This shall include:
- Details of compliance with the appropriate code for sustainable homes and BREAM standards, stipulated in the Regional Spatial Strategy, each at the time of commencement of works on that particular phase and the proposed mechanisms to meet the relevant renewable energy standards.
 - Details of a renewable energy scheme, which must achieve a minimum on site renewable energy sufficient to reduce CO₂ emissions from buildings constructed on site by the equivalent of 20% of regulated emissions.
 - All development shall be constructed to conform to the approved energy strategy details.

30. **Unauthorised 2 metre close-boarded fence erected at Levan Barn, Harnham Court, Norton Fitzwarren**

Reported that it had been brought to the Council's attention that a 2 m close-boarded fence had been erected without planning permission at Levan Barn, Harnham Court, Norton Fitzwarren.

Although the applicant had submitted a planning application to regularise the situation, the application had recently been refused under delegated powers.

Resolved that:-

- (1) Enforcement action be taken seeking the removal of the unauthorised close-boarded fence erected at Levan Barn, Harnham Court, Norton Fitzwarren; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

31. Multi-storey Car Park not in accordance with approved plans at Musgrove Park Hospital, Taunton

Reported that the recently constructed multi-storey car park was located relatively close to the rear properties in Hovelands Lane, Taunton. It had been designed to limit its impact upon residential amenity.

However it had not been built entirely in accordance with the original planning permission. During construction, the floor levels had been raised to allow for run-off of water. This had resulted in the proposed screening being of insufficient height leading to overlooking of some of the properties in Hoveland Lane.

To alleviate this particular problem, a further planning application was approved in June 2007 to undertake various remedial work.

Local residents had also raised concerns over the impact of the ground floor parking area from the lights within the building and the vehicles using it. Noted that the owners of the car park, Q-Park Limited, had now carried out further works to sort out this particular issue.

The Development Manager was satisfied that the impact upon the neighbouring properties was now acceptable and, in any event, less than that from the scheme as originally approved.

Further reported on one other outstanding matter relating to the planting to the rear of the outside car park backing onto Hovelands Lane. Although some planting had been undertaken in response to the service of a breach of condition notice, the scheme had still to be completed.

Resolved that:-

- (1) No further action be taken in relation to the limited impact that had resulted from the approved floor levels being raised; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings against Q-Park Limited for failure to comply with the breach of condition notice.

32. Fence erected adjacent to highway at 55 Buckland Road, Priorswood, Taunton

Reported that it had come to the Council's attention that a fence over 1 m in height had been erected adjacent to the highway at 55 Buckland Road, Priorswood, Taunton.

The owner of the property had submitted a planning application to retain the fence but this had been refused under delegated powers.

Although the owner had since contacted the Council to establish what he could do to make the fence acceptable, no action to meet the Council's requirements had been taken.

Resolved that:-

- (1) Enforcement action be taken seeking the removal of the unauthorised fence which had been erected adjacent to the highway at 55 Buckland Road, Priorswood, Taunton;
- (2) Such action be deferred for a period of 3 months from the date of the meeting to allow the owner of 55 Buckland Road, Priorswood, Taunton to submit a further planning application to modify the fence already in place; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should any enforcement notice subsequently served not be complied with.

33. Erection of fence and inclusion of land into domestic curtilage at 76 Wood Street, Taunton

Reported that it had come to the Council's attention that a fence over 1 m in height had been erected adjacent to the highway at 76 Wood Street, Taunton. During investigation of this matter, it had also been discovered that the area enclosed by the fence formed part of the visibility splay to Wood Street and was not therefore part of the domestic curtilage of the property.

Resolved that:-

1. Enforcement action be taken seeking the removal of the unauthorised fence which had been erected adjacent to the highway and in respect of the unauthorised change of use of land forming a visibility splay into part of the domestic curtilage at 76 Wood Street, Taunton; and

2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

34. Unauthorised use of 94 Normandy Drive, Taunton to operate a business together with the erection of a large summer house in the rear garden

Reported that following a number of complaints, investigations had revealed that a double-glazing and acrylic canopy business trading as Taunton Canopies was being operated from the domestic property 94 Normandy Drive, Taunton, without planning permission.

Further reported that during a visit to the premises, it was noted that a large timber structure had been erected in the rear garden of the property which also required planning permission as the structure was sited between the dwellinghouse and the highway.

The owner of the property had been contacted and advised that planning permission for both the change of use of 94 Normandy Drive, Taunton and the structure in the rear garden was required. To date, no applications had been submitted.

Resolved that:-

- (1) Enforcement action be taken:-
 - (i) To stop the domestic property known as 94 Normandy Drive, Taunton being used for business purposes; and
 - (ii) Seeking the removal of the unauthorised timber building in the rear garden of the property; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notices not be complied with.

35. Unauthorised installation of uPVC windows at Woodvale, Croford Hill, Wiveliscombe

Reported that it had come to the Council's attention that replacement uPVC windows had been installed at the property known as Woodvale, Croford Hill, Wiveliscombe, without listed building consent.

The owner of the property had submitted an application for listed building consent to retain the windows but this had been refused under delegated powers.

The Committee noted that even though it was recommended to serve a listed building enforcement notice, due to the present occupier's personal

circumstances, it was not considered appropriate to serve a notice at this time.

Resolved that:-

- (1) Listed building enforcement action be authorised seeking the removal of the unauthorised uPVC windows that had been installed at Woodvale, Croford Hill, Wiveliscombe;
- (2) Such action be deferred; and
- (3) The situation be reviewed either in 5 years' time or the listed building enforcement notice be served when the current occupier vacated the property, whichever was the sooner.

(The meeting ended at 8.26 pm).