

Planning Committee – 14 February 2007

Present:- Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, Denington,
House, Lisgo, Phillips, Mrs Smith, Stuart-Thorn and Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr N T Noall (Head of
Development), Mr G Clifford (Development Control Area Manager –
East), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant
(Democratic Support Manager)

Also present:- Councillor Bishop and Councillor Hayward (as Ward Councillor for
application No 25/2006/020).

(The meeting commenced at 5.00 pm)

11. Apologies

Councillors Guerrier, Henley, C Hill and Hindley.

12. Minutes

The minutes of the meeting held on 24 January 2007 were taken as read and
were signed.

13. Declaration of Interest

The Chairman (Councillor Mrs Marie Hill) declared a personal interest in
Agenda item 7, application No 35/2006/023AGN, and left the meeting during
its consideration.

14. Applications for Planning Permission

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

- (1) That **planning permission be granted** for the under-mentioned
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:-

38/2006/487

**Change of use to takeaway food business at 112 Station Road,
Taunton**

Conditions

- (a) C001A – time limit;
- (b) The takeaway outlet shall not be open other than between 1100 to 2300 hours Monday to Saturday and 1600 to 2200 hours on Sundays;
- (c) The ground floor display window on the front elevation shall be permanently retained unless previously agreed in writing by the Local Planning Authority;
- (d) Prior to the commencement of the use hereby permitted, full details of all extraction units shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation. The external ducting shall be so designed that the flue discharges not less than 1m above the roof eaves level;
- (f) Noise from any air extraction system shall not exceed background noise levels by more than 3dB(A) for a two minute Leq at any time when measured at the façade of residential or other noise sensitive premises;
(Note to applicant:- (1) Applicant was advised that during the planning, design and operation of this establishment, you will need to have regard to the requirements of a variety of acts and regulations. Failure to comply is a criminal offence. It is strongly recommended that the applicant contacts the Food Safety Team of the Environmental Health Department once plans showing the proposed layout and work flow are available. Applicant was further advised to obtain a copy of the relevant Industry Guide which provides detailed guidance on compliance with the regulations; (2) N049B – environmental health.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or the viability of the Secondary Shopping Area and was in accordance with Taunton Deane Local Plan Policies S1 and T21.

38/2006/563T

Application to fell one Foxglove tree the subject of a Tree Preservation Order at Bernard Taylor Homes, Magdalene Street, Taunton

Conditions

- (a) C019 – time limit;
- (b) A replacement tree, in accordance with British Standard BS3936, shall be planted within eight months of felling (unless otherwise agreed with the Local Planning Authority) in accordance with British Standard BS4428:1989.
(Note to applicant:- Applicant was advised that it had been noted that an offer to replant a Foxglove tree on another of Taunton Town Charity's sites was made in support of the application. It is understood that seed has been collected from the tree at the Bernard Taylor Homes site and it would be welcomed if this was used to establish a replacement tree.)

Reason for granting consent to fell contrary to the recommendation of the Development Control Manager:-

The Committee felt that the size of the existing tree was inappropriate in its current location and had a detrimental effect on neighbouring properties.

38/2006/599

Erection of building comprising four flats, formation of parking and retention of boundary fence at 87 Staplegrove Road, Taunton

Conditions

- (a) C001A – time limit;
- (b) Before the commencement of any works hereby permitted, details of 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;
- (c) The means of protecting the willow tree with protective matting and permeable surface as specified in the revised details submitted with the letter dated 19 October 2005 shall be carried out as indicated prior to any other work of construction commencing on site;
- (d) The means of protecting the willow tree during construction shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site;
- (e) The entrance gate shall have a height limiter bar set at a height of 2.4m above the finished drive level prior to construction work commencing unless otherwise agreed in writing by the Local Planning Authority;
- (f) 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;

- (g) Prior to occupation a sheltered, lockable bicycle store shall be provided within the site in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (h) The provision of bin storage with adequate access to be agreed in a location no more than 25m from the access for individual collection or 9m for a communal collection point shall be submitted to, and agreed in writing by, the Local Planning Authority and provided prior to occupation;
- (i) The parking and turning area and access shall be properly consolidated and surfaced in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority and carried out prior to occupation;
- (j) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order, no additional hard surfacing for vehicle parking shall be provided within the site unless otherwise agreed in writing by the Local Planning Authority;
- (k) Means of preventing parking beyond the hard surface area identified on drawing No 2160C-03 shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so implemented prior to the development hereby permitted being occupied;
- (l) C201 – landscaping;
- (m) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
- (n) The windows hereby permitted shall be recessed in the wall to match the existing window recesses of the main listed building;
- (o) C238 – tree protection in relation to construction;
- (p) The window(s) in the first floor side elevations shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (q) Details of solid fencing to screen the bin and storage area shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so erected and maintained prior to occupation of the flats;
- (r) The hard surface area to the rear of the listed building shall be removed and landscaped as agreed by the Local Planning Authority prior to the occupation of the flats;
- (s) The building shall be constructed at the level illustrated on drawing No 2160C-03 and no higher.
(Note to applicant:- (1) Applicant was advised to contact Wessex Water to ensure that there was no building over a public sewer; (2) Applicant was advised that landscape planting to

improve the setting of the new building and existing listed building will be required as part of the scheme.)

Reason for granting planning permission:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2 and EN16 and material considerations did not indicate otherwise.

52/2006/037

Erection of single storey extension and alteration to roof at 5 Langham Drive, Comeytrowe, Taunton

Conditions

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

Reason for granting planning permission:-

The scale and design of the extensions was considered to be acceptable and it was not thought that they would harm the appearance of the street scene or neighbouring amenity. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1, S2 and H17.

15. **Development comprising employment, residential (389 dwellings), and village centre (incorporating health care facilities, two village shops, retail unit and public house), part construction of Norton Fitzwarren Relief Road and provision of infrastructure and services, former Cider Factory, Norton Fitzwarren (25/2006/020)**

Reported this application.

RESOLVED that subject to:-

- (1) The applicants submitting a satisfactory unilateral undertaking to provide:-
 - (i) the provision of 24 units of affordable housing;
 - (ii) the repayment of £147,000 to the Council for design costs on the proposed dam;
 - (iii) the construction of the local centre building comprising the health centre and retail provision prior to occupation of 50% of the residential units;
 - (iv) the provision of the office buildings prior to occupation of 75% of the residential units;
 - (v) payment to the Council of any residue from the costs of constructing the culvert under the B3227 (cost assumed at £588,000) such residue to benefit the local community; and
 - (vi) on adoption of the off-site dam, the payment to the Environment Agency of £1,000,000 for the future maintenance of the dam,

less any residual amount to be paid to the Local Planning Authority should the costs of maintenance be shown to be less than £1,000,000. Any such residual amount paid to the Local Planning Authority shall be used for community benefit in the locality.

- (2) Should any residual funding be made available to the Local Planning Authority under items (v) and (vi) of the unilateral undertaking as outlined above, or from any other party who would benefit from the added protection provided by the off-site flood attenuation scheme, a share of any such funding shall be conveyed to the Local Education Authority for additional school places to serve the needs of the development hereby approved (the amount to be agreed at the time); and
- (3) The receipt of no further representations raising new issues by the 20 February 2007,

the Development Control 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) C102 – materials;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) C208E – protection of trees to be retained;
- (f) C208B – service trenches beneath trees;
- (g) C208C – trenching works within the canopy spread of trees;
- (h) C209 – protection of trees to be retained;
- (i) C210 – no felling or lopping;
- (j) C219 – screening during demolition;
- (k) The public open space shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority in accordance with a phasing plan to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development and shall thereafter be used solely for the purpose of amenity open space;
- (l) The children's play areas shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority in accordance with a phasing plan to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development and shall thereafter be used solely for the purpose of children's recreation;
- (m) C246 – landscape completion check;
- (n) Work (including demolition and site clearance) shall not commence until details of a strategy for the protection of bats and their habitat, within the development, together with the maintenance of access for bats has been submitted to, and approved in writing by, the Local Planning Authority. Once

approved, the work (including demolition and site clearance) shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented;

- (o) No site clearance works or development (or specified operations) shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (p) No development shall commence until plans for an otter ledge beneath the road and railway at the downstream end of the site (eastern end) and an otter tunnel under the same road bridge on the opposite bank, have been agreed in writing by the Local Planning Authority in conjunction with advice from Natural England (Wildlife Licensing/Species Protection);
- (q) The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to, and approved in writing by, the Local Planning Authority a wildlife mitigation and biodiversity enhancement plan. The plan shall detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species affected by the development: bats, otters, slow worms and nesting birds and measures for the enhancement of biodiversity through the provision of habitats and features and their future management. The plan should be based upon the mitigation strategies proposed in the Environmental Statement (Entran August 2006) and proposed measures shall be informed by up to date surveys and include:- 1. Details of the results of further survey work; 2. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during all stages of development, including ground works, demolitions and construction; 3. Details of timing of works to avoid periods of the year when sensitive wildlife could be harmed by disturbance; 4. Details of provision of new/replacement bat roosts and otter holt sites; 5. Retention of trees and shrubs identified as being important for protected species, within the applicant's control and a scheme of planting, including details of species, that will enhance the habitat in the adjacent/surrounding area for protected species; 6. Measures for the long term management, security and maintenance of habitat for protected species; 7. Measures that will enhance, restore or add to biodiversity conservation interests ('biodiversity gain') as encouraged by Planning Policy Statement 9; 8. Persons responsible for:- (a) Compliance with legal consents relating to nature conservation (including applying for European Protected Species Licences); (b) Compliance with planning conditions relating to nature conservation; (c) Installation of physical protection measures during construction; (d)

- Implementation of sensitive working practices during construction; (e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; (f) Provision of training and information to all construction personnel on site about the conservation significance of the protected species present and the importance of protective measures and practices being employed. 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;
- (r) The proposed estate roads, footways, footpaths, tactile paving, cycle-ways, 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 to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
 - (s) C302 – highways – roads, footpaths and turning spaces to be surfaced;
 - (t) The visibility splays shown on the approved plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
 - (u) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles;
 - (v) The car parking area shown on the approved plan shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car parking being brought into use;
 - (w) C416 – details of size, position and materials of meter boxes;
 - (x) Prior to the demolition of Morse's House, Home Place/Edithmead and the Doll's House, an annotated map indicating the former uses of the buildings and a photographic survey shall be undertaken and submitted to, and approved in writing by, the Local Planning Authority;
 - (y) Provision shall be made for the parking of cycles at the proposed office buildings and village centre in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied;
 - (z) Details of the design and appearance of the abutments to the proposed road bridges and footbridges over the Halse Water shall be submitted to, and approved in writing by, the Local Planning Authority;

- (aa) C910A – archaeological access;
- (bb) C926B – remediation investigation/certificate;
- (cc) P005 – no garages;
- (dd) P007 – no fencing in front of dwellings;
- (ee) Development shall not commence until such time as the off-site attenuation facility (dam above Monty's Lane) has been constructed and received its 'Interim Certificate' from the 'Supervising Engineer' (Reservoirs Act 1975);
- (ff) Development shall not commence until such time as the detailed design and implementation of the on-site flood management works have been approved in writing by the Local Planning Authority;
- (gg) Subject to satisfactory completion of Condition (ff) (above), the following on-site works can be completed prior to the issuing of the 'Interim Certificate' (Condition (ee) above):- (i) Channel reprofiling and operational maintenance access ramps to the Halse Water; (ii) Culverting of the Norton Brook; (iii) Site demolition works – provided no material stockpiles are left within the flood plain of the Halse Water;
- (hh) Built development above existing ground levels shall not be commenced until such time as the on-site flood risk management infrastructure has been completed to the satisfaction of the Local Planning Authority;
- (ii) No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water drainage, which incorporates sustainable drainage techniques (SUDS), has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
- (jj) No development approved by this permission shall be commenced until an operation and maintenance manual for the flood management works has been submitted to, and agreed in writing by, the Local Planning Authority. The manual shall identify all maintenance access routes from the points on the public highway;
- (kk) All culverted watercourses shall require a 3m wide undeveloped easement strip either side of the culvert to be clearly identified;
- (ll) No development agreed by this permission shall be commenced until the detailed design for the proposed new 'flood wall' to the properties along Station Road has been submitted to, and approved in writing by, the Local Planning Authority. The flood wall shall be completed to the satisfaction of the Local Planning Authority prior to any work that affects the integrity of the existing flood defence;
- (mm) Minimum finished ground levels are to be set at Halse Water 100 year flood level plus climate change provision, plus 300 mm. Minimum finished floor levels shall be set at Halse Water 100 year flood levels plus climate change provision, plus

- 600mm. The above 100 year flood levels to be based on a Mannings 'n' roughness value of 0.05;
- (nn) Prior to the commencement of development a culvert shall be provided under the B3227 to address flooding issues identified in the Flood Risk Assessment. Details of the culvert shall be submitted to the Local Planning Authority for prior approval in writing;
 - (oo) Flood Risk Management works shall be in accordance with the aims and conclusions of the Flood Risk Assessment date January 2007 Ref: 1012-WX21821-NER-03, or other, as agreed with the Environment Agency;
 - (pp) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
 - (qq) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, including commercial lorry parks and petrol filling facilities, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor;
 - (rr) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways;
 - (ss) No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that an adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place;
 - (tt) Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
 - (uu) During construction, vehicles shall not cross or work directly in a river. Temporary bridges shall be constructed for vehicles to cross and excavations carried out from the bank;

- (vv) During construction, river water shall be diverted away from the excavation site using coffer dams. Work shall stop immediately if the coffer dams are breached or flooded;
- (ww) During construction, the storage of fuels for machines and pumps shall be sited well away from any watercourse. The tanks shall be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage;
- (xx) An Environmental Management Plan for the future maintenance arrangements for the on-site and off-site flood alleviation works shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development;
- (yy) Prior to the commencement of any works (including demolition and site clearance), a Code of Practice for demolition and construction traffic accessing the site (to cover items such as hours of operation, noise control and site clearance and vehicle routes) shall be submitted to, and approved in writing by, the Local Planning Authority;
- (zz) Notwithstanding the site layout plan, further details for the provision of a light-controlled pedestrian crossing at a location on the B3227 shall be submitted to, and approved in writing by, the Local Planning Authority. The approved crossing shall be provided to the satisfaction of the Local Planning Authority prior to the occupation of any of the development hereby approved;
- (aaa) 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 prior to the development hereby permitted first being brought into use;
- (bbb) Prior to any of the proposed development being occupied a 1.8m high trespass resistant fence shall be erected parallel to, but separate from, the railway fence in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N118 – disabled access; (2) Applicant's attention is drawn to the possibility of the development incorporating an element of public art which may add value to the scheme and make a contribution to the local community. The Council urges you to consider this and if you wish to discuss it further please contact the Development Control Manager and/or the Council's Arts Officer in the first instance; (3) N112 – energy conservation; (4) N113 – street names; (5) N114 – meter boxes; (6) N115 – water conservation; (7) N048A – ground contamination; (8) N051B – health and safety; (9) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of the Halse Water and Norton Brook, designated a 'main river'; (10) With regard to Condition

(pp), applicant was advised that any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant's agent; (11) Applicant was advised to confer with Wessex Water regarding the availability, location and adequacy of the existing public sewerage, pumping station and sewage treatment facilities. There must be no discharge from the proposed pumping station; (12) Applicant was advised that during construction, any discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids; (13) Applicant was advised that the Environment Agency must be advised if a discharge to a watercourse is proposed, as the developer will require a formal Consent to Discharge; (14) Applicant was advised that the Environment Agency states that all works must be undertaken in accordance with Environment Agency Pollution Prevention Guideline No 5 (Works Near or Liable to affect Watercourses) and Pollution Prevention Guideline No 6 (Working at Demolition and Construction Sites) copies of which are available on the Environment Agency's website; (15) Applicant was advised that buildings when demolished can give rise to Hazardous Wastes. These are subject to additional control prior to disposal. The Environment Agency would be pleased to advise the applicant regarding the regulations concerning Hazardous Waste; (16) Applicant was advised to ensure that all contaminated materials are adequately characterised both chemically and physically and the licensable status of any proposed off-site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays; (17) Applicant was advised that if off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994; (18) Applicant was advised that if recycled inert material (for example rubble, hardcore, topsoil, subsoil) is to be imported into the site for landscaping or other purposes, a formal exemption from Waste Management Licensing may be required. Under such circumstances, a written application, including details of the nature and quantity of material to be used, must be submitted to the Environment Agency, prior to works commencing; (19) Applicant was advised that the Environment Agency must be notified immediately of any incident likely to cause pollution; (20) Applicant was advised that the proposed development site overlies a Minor Aquifer as defined by the Environment Agency's 'Policy and Practice for the Protection of Groundwater'. Further, the soils in this vicinity are classified (H1) of High Vulnerability and Leaching Potential, that is soils with little ability to attenuate diffuse source pollutants and in which non-absorbed diffuse source pollutants and liquid discharges have the potential to

move rapidly to underlying strata or to shallow groundwater. H1 soils readily transmit liquid discharges because they are either shallow or susceptible to rapid flow directly to rock, gravel or groundwater; (21) It is noted from the Environmental Statement that potential sources of contamination have been identified. It is also noted that Appendix 9.5 states that a Ground Investigation Report has been produced for the site. Applicant was advised that the Environment Agency concurs with the recommendations in that report for further work to be undertaken, including a Desk Study and further ground investigations. The Environment Agency would welcome the opportunity to view the results of any such investigation. The Environment Agency recommends that developers follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision making regarding land contamination. It is available from the Environment Agency' website. The Environment Agency also recommends that developers use BS10175: 2001, Investigation of potentially contaminated sites - Code of Practice as a guide to undertaking the desk study and site investigation scheme; (22) Applicant was advised that there are public rights of way recorded on the Definitive Map that cross the proposed area of the development. If the work involved in carrying out this proposed development would:- (a) make a PROW less commodious for continued public use or (b) create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. If this development would result in any increased danger adjacent to a PROW then adequate signage and fencing should be provided. If it is considered that the development would result in (a) a PROW being made less commodious for continued public use, (b) a PROW'S route being changed/impeded upon, or (c) changes to the surface of a PROW being needed, then authorisation for these works must be sought from Somerset County Council Rights of Way Group prior to them been undertaken; (23) Applicant was advised that a public sewer crosses the site. There must not be any building within 3m on either side. Alternatively, if appropriate, diversion may be feasible and should be discussed with Wessex Water; (24) In line with Government Policy, applicant was advised to contact Wessex Water's Developer Services to discuss the adoption of the on-site or off-site drainage systems, under a Section 104 Agreement; (25) Applicant was advised that network modelling is required to determine the point of adequacy and possible need for any network reinforcements to ensure an adequate water supply. There would be a charge for this work; (26) Applicant was advised that means of escape in case of fire should comply with Approved Document B1 of the Building

Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage; (27) Applicant was advised that access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (28) Applicant was advised that all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards; (29) Applicant was advised that the Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development. The safety barrier should be designed to cater for specific loadings dependent on the road traffic anticipated; (30) Applicant was advised that additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10m of Network Rail's boundary; (31) Applicant was advised that no work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. As part of this application, alterations are proposed to the footbridge across the railway line. This will require the formal agreement of Network Rail to ensure that the railway is adequately safeguarded during the work and thereafter; (32) Applicant was advised that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges; (33) Applicant was advised to ensure that their proposals do not cause surcharging of cutting slopes or retaining walls. Network Rail can accept no liability to maintain support to the adjoining land other than for its existing use; (34) Applicant was advised that it is recommended that all buildings be situated at least 2m from the boundary fence to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines; (35) Applicant was advised that the design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway; (36) Applicant was advised that should the development include proposals for external lighting this may conflict with Network Rail's signalling system. The developers

should obtain Network Rail's approval of their detailed proposals; (37) With regard to Condition (yy), applicant was advised that regard should also be had to paragraphs 7.114 and 7.115 of the Environmental Statement.)

Reason for planning permission, if granted:-

The proposal was considered to be compatible with national and local planning policies which encouraged sustainable, mixed use development on previously developed land. The proposed development was in general compliance with Taunton Deane Local Plan Policies T4-T7 and would enable the provision of flood alleviation works which would reduce the incidence of flooding in the locality.

16. Erection of covered vehicle storage, workshop and Logistics Company accommodation, together with provision of external parking and manoeuvring areas, Norton Manor Camp, Norton Fitzwarren (25/2006/026)

Reported this application.

RESOLVED that subject to confirmation being received that there was no need to refer the application to the Secretary of State under the Departure Procedures, the Development Control 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) C101 – materials;
- (c) C201 – landscaping;

(Note to applicant:- Applicant was advised that the planting should include some tree planting towards the A358 and some shrubs around the car parking areas.)

Reason for planning permission, if granted:-

The proposal was considered appropriate for the applicant in an area where new development was normally restricted on the basis that the site was an established MOD site within open countryside, there would be no adverse affect on the locality or neighbourhood, the proposal was considered to accord with Taunton Deane Local Plan Policies S1 and S2.

17. Erection of agricultural building, Stawley Farm, Stawley (35/2006/023AGN)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 19 February 2007, the Development Control 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) C102A – materials;
- (c) C203 – landscaping;
- (d) C246 – landscape completion check;

Reason for planning permission, if granted:-

With the submitted landscaping scheme, the proposal was considered not to have a seriously detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2.

18. Erection of 12 flats and demolition of existing building at 86-88 Priory Bridge Road, Taunton (38/2006/539)

Reported this application.

RESOLVED that subject to the further views of the Environment Agency on the amended plans, the Development Control 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) C101 – materials;
- (c) C201 – landscaping;
- (d) C111 – materials – for drives;
- (e) C112 – details of guttering, down pipes and disposal of rainwater;
- (f) C215 – walls and fences;
- (g) C331 – provision of cycle parking;
- (h) The bin storage area shall be provided within the site prior to the occupation of the flats;
- (i) C416 – details of size, position and materials of meter boxes;
- (j) The floor level of the flats shall be finished at 15.60m above Ordnance Datum and there shall be no variation thereto unless otherwise agreed in writing by the Local Planning Authority;
- (k) Provision for four disabled parking spaces and turning on the site shall be provided prior to the occupation of the flats;
- (l) C910B – archaeological programme;
- (m) C911 – aerals – combined system;
- (n) No development shall be commenced until the means of providing adequate play and recreation contributions for the area has been entered into and secured in writing in agreement with the Local Planning Authority;
- (o) No development approved by this permission shall be occupied until the proposed boundary wall, designed to withstand the 1 in 100 year climate change flood event, has been constructed to the satisfaction of the Local Planning Authority. The boundary wall height must be set no lower than 15.60m above Ordnance Datum;
- (p) The proposed entranceway/access to the proposed development shall be defended to a minimum of 15.60m above Ordnance Datum prior to any residential occupation;

- (q) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
- (r) Development shall not commence until details of a safe exit route not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, and flood evacuation plans are submitted to, and agreed in writing by, the Local Planning Authority. This plan must be in place before any occupancy of the building(s).
(Note to applicant:- Applicant was advised that surface water disposed to a soakaway system should be designed and constructed in accordance with BS8301: 1985. It should be confirmed with the relevant authorities whether soakaways will be acceptable for this proposal. Surface water run off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). Further information can be obtained from the Environment Agency's website.)

Reason for planning permission, if granted:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, C4 and M4 and material considerations did not indicate otherwise.

Also RESOLVED that in the event of the Environment Agency maintaining its objection, planning permission be refused for reason of development in a flood risk area contrary to Planning Policy Statement 25 and Taunton Deane Local Plan Policy EN28.

19. Erection of dwelling on land to rear of 16 Station Road, Taunton (38/2006/577)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 20 February 2007, the Development Control 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) C101 – materials;
- (c) The windows on the frontage to Black Horse Lane shall be vertical sliding sash windows only;
- (d) The windows hereby permitted shall be recessed a minimum of 70mm in the wall unless otherwise agreed in writing by the Local Planning Authority;
- (e) The ground floor level internally shall be 15.26m above Ordnance Datum unless otherwise agreed in writing by the Local Planning Authority;

- (f) Bin and cycle storage shall be provided on site as illustrated prior to occupation of the building unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that the site and its access/egress are considered to fall within the flood risk zone of the adjacent river and may be prone to flooding during more extreme conditions in the river. Further information can be obtained from the Environment Agency's Flood Defence Section. In view of the potential flood risks in this locality, the Environment Agency would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first instance or limit the damage and reduce rehabilitation time in the event of future inundation.)

Reason for planning permission, if granted:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations did not indicate otherwise

20. **Erection of 3 No buildings to provide 12 No industrial units with associated site works, land adjacent to Chelston Manor, Chelston, Wellington (revision to permission 46/2003/016) (46/2006/041)**

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) No adverse views from the County Highway Authority or the Environmental Health Officer; and
(2) The further views of the Environment Agency, the Development Control 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) C102 – materials;
- (c) C201A – landscaping;
- (d) C207 – existing trees to be retained;
- (e) C208A – protection of trees to be retained;
- (f) C208B – service trenches beneath trees;
- (g) C209 – protection of hedges to be retained;
- (h) C210 – no felling or lopping;
- (i) C215 – walls and fences;
- (j) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus laybys, 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, street furniture and tactile paving shall be constructed and laid

- out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (k) 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 and turning of vehicles in connection with the development hereby permitted;
 - (l) The development hereby approved shall not be brought into use until that part of the surface road which provides access to it has been constructed in accordance with the approved plans;
 - (m) In the interest of sustainable development, none of the units hereby permitted shall be occupied until a network of cycleways and footpaths has been constructed within the development site in accordance with a scheme to be approved in writing, by the Local Planning Authority. Each individual unit within the site shall demonstrate adequate visibility in accordance with DB32 – Places, Streets and Movement;
 - (n) None of the units hereby approved shall be occupied until a pedestrian footway measuring 1.8m wide is provided between the development site and the existing footway on Summerfield Avenue. Work shall be carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and shall be fully implemented to the satisfaction of the said Authority;
 - (o) C708 – restricted use – no storage except where stated;
 - (p) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connected tanks, plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
 - (q) The scheme for the provision of surface water drainage works shall be as approved under planning permission 46/2003/016. The drainage works shall be completed in accordance with the details and timetable agreed;
 - (r) C314 – visibility splays;
 - (s) The development hereby approved shall not be occupied until sufficient secure cycle parking has been provided on site in

accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) Applicant was advised that provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which should be submitted for approval to the Local Planning Authority. Such drainage should be provided prior to the access first being brought into use; (6) Applicant was advised that if there is regular tanker traffic to the site, the Environment Agency recommends the use of a sluice, which may be closed at the end of the ditch, to allow a spill to be retained. All the buildings, roads and surface water system itself must be located outside of the predicted flood plain of Haywards Water; (7) Applicant was advised that the future maintenance and management of the surface water drainage system should be arranged in advance with parties taking responsibility for that maintenance. Commuted sums may be required to be paid for such maintenance. In order to allow the maintenance, machine access to the ditch should be preserved; (8) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of Haywards Water, designated a “main river”; (9) Applicant was advised that any works that would affect the flow of water in any stream or water course on the site would require the prior consent of the Environment Agency. There is another existing ditch adjacent to Unit C. Any culverting or restriction of flow would require the Environment Agency’s prior permission; (10) Applicant was recommended to use this opportunity to improve access to, and the working strip along, the bankside. Efforts should also be made to improve the habitat of the river bank by producing a sensitive planting and landscaping scheme; (11) Applicant was advised that in the interests of pollution prevention, appropriate measures should be taken at the construction stage to ensure that surface and ground water are not polluted. Practical guidance is outlined in the attached pollution prevention notes and further advice can be obtained from the Environment Agency; (12) With regard to condition (n), applicant was advised of the need to enter into an agreement with the County Highways Authority.)

Reason for planning permission, if granted:-

The proposal was within an area allocated for employment use in the Taunton Deane Local Plan and was considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site had good

transport links and with the conditions imposed neither residential nor visual amenity would be adversely affected.

21. **Demolition of dwelling and commercial garage buildings and erection of 24 flats with associated parking at Eastwick Farmhouse and Eastwick Cottage, Eastwick Road, Taunton (38/2006/198)**

Reported that planning permission was granted in 2006 for this development which was adjacent to 45a Eastwick Road, Taunton.

A condition had been placed on the approval requiring the windows on the second floor to be fixed opening and obscure glazed in order to protect the amenity of the occupier of the adjacent property. The windows for flats 18 and 24 did not overlook 45a Eastwick Road and flat 23 was at an angle to 45a Eastwick Road and faced onto the front garden of this property.

In the circumstances, it was considered unreasonable to insist that those windows were obscure glazed or fixed opening.

RESOLVED that it be agreed not to enforce the condition in respect of flat numbers 18, 23 and 24 but to insist on compliance for flat 22.

22. **Revisions to the Scheme of Delegation**

Considered report previously circulated, concerning possible revisions to current delegation procedures.

Although any changes to the delegation scheme were a matter for decision by Executive Councillor Bishop, it was considered appropriate that the Planning Committee was given an opportunity to comment before any such decision was made. The background to the proposal to revise the procedures were:-

(1) **The Department for Communities and Local Government's Report "Councillor involvement in planning decisions"**

This recently published report recommended that an appropriate balance had to be achieved between the degree of delegation and the continuing involvement of elected members in planning decision making. Although it was felt increased delegation would lead to more predictable planning decisions (in line with adopted policy), some degree of Councillor involvement should remain for the more significant or controversial cases or where the issues were finally balanced.

The progress of Project Taunton and increased levels of growth associated with the Regional Spatial Strategy and Taunton's Growth Point status all indicated that the number of complex major applications the Council would be asked to consider would increase in the future. It was therefore important that the Committee had the capacity to appraise these most important developments in detail.

(2) **Concern over time taken to determine applications that currently needed to be referred to Committee**

It was imperative for the Council to maintain its performance in terms of time taken to determine planning applications. Delays in the planning process not only had impacts for the Council in terms of both funding and potential central Government intervention, but it could also have an adverse impact on the economy of the area.

In the last quarter only 19% of those applications referred to Committee were determined within eight weeks of receipt compared with 79% of decisions made under delegated powers.

One aim of a simplified delegation scheme would be to give more certainty as to whether an application would be referred to Committee from early in the determination process.

(3) **Effect of long meetings upon the quality of decision making and upon the general public who often have to wait to hear their particular item heard**

The amount of information that needed to be considered in relation to each application at Committee was such that there was concern that both Officer's and Member's ability to concentrate and analyse information could be adversely impacted upon by the length of the meeting.

Even though a reserve date was always set aside to deal with unfinished business, there was often a reluctance to use this if it meant asking members of the public who had already waited several hours for their application to be considered to return on a second occasion.

(4) **Concerns over inconsistency between the Parish and Unparished areas**

The current delegation scheme was such that where a parish council held a contrary view to the recommendation, an application was automatically referred to the Planning Committee whether other representations had been received or not. It was therefore inevitable that the Committee considered comparatively less applications in Taunton which did not have a parish council.

It was therefore proposed that in future all planning proposals should be determined under delegated powers other than where the six criteria set out below were met (however, it should be noted that the current system whereby any application which was not referred to Committee, but where conflicting representations had been received was referred to the Chairman/Vice-Chairman before a decision was made would continue):-

Criterion 1 – In the opinion of the Development Control Manager (or Chairman), the application was considered to be of a significant, controversial or sensitive nature.

Criterion 2 – The application was from an elected member or member of staff (or partner thereof) and was recommended for approval.

Criterion 3 – The application was accompanied by an Environmental Statement (EIA).

Criterion 4 – The application was a significant departure and was recommended for approval.

Criterion 5 – Where there were conflicting views (giving clear planning reasons) from a Town/Parish Council, Parish Meeting or Ward Member as well as from four or more individuals.

Criterion 6 – Applications would be delegated to the Development Control Manager to refuse if Section 106 Agreements were not signed within the appropriate 8, 13 or 16 week timescale.

The Committee discussed the proposed revisions to the current delegation procedures and unanimously agreed that they should be implemented.

RESOLVED that Executive Councillor Bishop be recommended to agree the proposed revisions to the delegation scheme as set out above.

23. **Unauthorised fence, extended garden curtilage and the building of walls within the site at Chestnut Farm, Helland, North Curry**

Reported that it had come to the Council's attention that in association with the conversion of a barn to a dwelling at Chestnut Farm, Helland, North Curry, the proposed garden curtilage had been extended, a fence had been erected and various walls constructed all without planning permission.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised fence and walls and the reversion of the garden back to that approved at the barn at Chestnut Farm, Helland, North Curry; 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.

24. **Unauthorised opening in gable wall of barn at Chestnut Farm, Helland, North Curry**

Reported that it had come to the Council's attention that a new opening had been made in the south elevation of a barn at Chestnut Farm, Helland, North

Curry to allow the fitting of a glazed door and panels. This work had been carried out without planning permission.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the new glazed door and panels and the blocking up of the opening in the barn at Chestnut Farm, Helland, North Curry; 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.

25. New garage not built in accordance with approved plans at Chestnut Farm, Helland, North Curry

Reported that it had come to the Council's attention that a garage which had been granted planning permission was not being built in accordance with the approved plans.

RESOLVED that:-

- (1) Enforcement action be taken to secure the reduction in height of the garage at Chestnut Farm, Helland, North Curry to that approved; 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.

26. Unauthorised agricultural workshop and the operation of a commercial business at Sherford Bridge Farm, Sherford Road, Taunton

Reported that a complaint had been received that a commercial vehicle valeting business was being carried out without planning permission from a building at Sherford Bridge Farm, Sherford Road, Taunton.

The matter had been investigated when it had come to the Council's attention that the building being used for the car valeting business was a steel framed profile sheeted building and not an open fronted timber clad structure which had been granted planning permission in 2000.

The owner of the building had been requested to apply for planning permission to retain the new building and to cease the car valeting business being conducted at the site. An application had been submitted however this had been refused under delegated powers. It was understood that the car valeting business was still being carried out from the property.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised building and concrete yard at Sherford Bridge Farm, Sherford Road, Taunton and the cessation of the vehicle valeting business; 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.

27. Erection of a satellite dish at the former Wheeltappers, Station Road, Taunton

Reported that it had been brought to the Council's attention that a satellite dish had been installed on the front elevation of the former Wheeltappers, Station Road, Taunton without the required listed building consent. The owner of the property had submitted an application to regularise the situation but this had been refused under delegated powers.

RESOLVED that:-

- (1) Listed building enforcement action be taken to secure the removal of the unauthorised satellite dish from the former Wheeltappers, Station Road, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with.

28. Various Works at Drakes Lodge, Taunton Road, Wellington

Noted that this report had been withdrawn from the agenda to allow further discussions with the owner to be held.

29. Advance signs on highway verge relating to farm shop at Unit 8, Broadgauge Business Park, Bishops Lydeard

Reported that a complaint had been received that a number of advance signs advertising the farm shop being operated from Unit 8, Broadgauge Business Park, Bishops Lydeard were currently being displayed at a variety of locations in the vicinity.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised advance signs advertising the farm shop at Unit 8, Broadgauge Business Park, Bishops Lydeard unless they were removed within one month.

(The meeting ended at 9.13 pm)