

## **Planning Committee – 9 November 2011**

Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, Mrs Hill,  
Miss James, Nottrodt, Mrs Reed, Tooze, Watson, Ms Webber and  
D Wedderkopp

Officers:- Mr B Kitching (Development Management Lead), Mrs J Moore (Major  
Applications Co-ordinator), Mr M Bale (West Area Co-ordinator),  
Mr R Williams (Planning Officer), Mrs J Jackson (Legal Services Manager),  
and Miss M Casey (Planning and Litigation Solicitor)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **99. Apologies/Substitutions**

Apologies: Councillors C Hill, Mrs Messenger, Morrell, Mrs Smith and Wren  
Substitutions: Councillor Ms Webber for Councillor C Hill  
Councillor Nottrodt for Councillor Morrell

### **100. Minutes**

The minutes of the meeting of the Planning Committee held on 28 September 2011 were taken as read and were signed.

### **101. Declarations of Interest**

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Mrs Hill declared a prejudicial interest in application No 47/11/0008 and left the meeting during the consideration of this item. Councillor Miss James declared a personal interest in application Nos 08/10/0008 and 08/10/0009 as she was a member of both the Somerset Wildlife Trust and the National Trust. Councillor Nottrodt declared a personal interest in application Nos 08/10/0008 and 08/10/0009 as the Ward Councillor. Councillor Ms Webber declared a personal interest in application Nos 08/10/0008, 08/10/0009 and 08/11/0021 as the Chairman of Cheddon Fitzpaine Parish Council. Councillor Bishop declared that he had attended a parish council meeting where Agenda item 11 had been discussed. However, he did not consider that he had fettered his discretion.

### **102. Applications for Planning Permission**

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

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

**08/11/0021**

**Erection of single storey rear extension at 5 The Shoulders, Cheddon Fitzpaine**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans.

**Reason for granting planning permission:-**

The proposed development would not harm either visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**47/11/0008**

**Erection of two storey extension and porch to the west elevation and change of use of part of adjoining field to incorporate within domestic curtilage at Mitchams, Prey Lane, Slough Green, West Hatch (resubmission of 47/11/0006)**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building, unless otherwise agreed in writing with the Local Planning Authority.

**Reason for granting planning permission:-**

The size, scale, design and positioning of the two storey extension were not incongruous and did not detract from the simple linear form of the west elevation and were in compliance with policies of the Taunton Deane Local Plan.

**Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

Members felt that the size, scale and design of the proposal did not detract from the rural character of the surrounding landscape.

(Councillor Mrs Hill declared a prejudicial interest in the above application and left the meeting before detailed consideration took place.)

**103. Residential development of 27 affordable dwellings with associated parking and site works forming Phase 1 at land to the north of Ladymead Community School, Cheddon Road, Taunton**

Reported this application.

**Resolved** that subject to:-

(1) The satisfactory resolution of the outstanding issue relating to protected species on the site (provision of habitat for Greater Crested Newts); and

(2) The applicants entering into a legal agreement to secure:-

- (i) An appropriate mix of 100% affordable housing as identified in the Committee report;
- (ii) Off-site landscaping and planting as identified in the Hestercombe House Special Area of Conservation (SAC) test of significance;
- (iii) A phasing of works as identified in the Hestercombe House SAC test of significance;
- (iv) Any other outstanding issues that were appropriate and identified in the outstanding consultation responses; and
- (v) Green Travel Vouchers to be provided, in line with Somerset County Council guidance, and with a value of £100-£250 depending on the size of the dwelling,

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

- (a) Time limits for implementation of the development;
- (b) List of approved plans;
- (c) Submission of materials;
- (d) Landscaping and subsequent maintenance;
- (e) Details of an appropriate surface water drainage system;
- (f) Biodiversity mitigation;
- (g) Travel plan;
- (h) Highways conditions;
- (i) External lighting;
- (j) Finished floor levels; and
- (k) Boundary treatments.

(Note : As detailed consultation responses were outstanding at the time of writing the Committee report, precise wording of planning conditions was still to be agreed.)

**Reason for planning permission, if granted:-**

Although outside of the defined development limits of Taunton the proposal addressed a specific housing need of affordable housing and low-cost home ownership in a location which had good links to local facilities and would not have any adverse impact on wildlife. The proposal also included a stronger landscape buffer between the existing development and open countryside that acted as a bat foraging area. It was considered that these specific benefits outweighed the normal restrictions on development outside of the defined settlement but in a sustainable location. The proposal accorded with Policies S1 and S2 of the Taunton Deane Local Plan.

**104. Outline application for a residential development of 100 affordable dwellings with associated site works on land North of Ladymead Community School, Cheddon Road, Taunton (08/10/0009)**

Reported this application.

**Resolved** that subject to:-

(3) The satisfactory resolution of the outstanding issue relating to protected species on the site (provision of habitat for Greater Crested Newts); and

(4) The applicants entering into a legal agreement to secure:-

- (i) An appropriate mix of 100% affordable housing as identified in the Committee report;
- (ii) Off-site landscaping and planting as identified in the Hestercombe House Special Area of Conservation (SAC) test of significance;
- (iii) A phasing of works as identified in the Hestercombe House SAC test of significance;
- (iv) Any other outstanding issues that were appropriate and identified in the outstanding consultation responses; and
- (v) Green Travel Vouchers to be provided, in line with Somerset County Council guidance, and with a value of £100-£250 depending on the size of the dwelling,

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

- (a) Time limits for implementation of the development;
- (b) List of approved plans;
- (c) Submission of materials;
- (d) Landscaping and subsequent maintenance;
- (e) Details of an appropriate surface water drainage system;
- (f) Biodiversity mitigation;
- (g) Travel plan;
- (h) Highways conditions;
- (i) External lighting;
- (j) Finished floor levels; and
- (k) Boundary treatments.

(Note : As detailed consultation responses were outstanding at the time of writing the Committee report, precise wording of planning conditions was still to be agreed.)

**Reason for planning permission, if granted:-**

Although outside of the defined development limits of Taunton the proposal addressed a specific housing need of affordable housing and low-cost home ownership in a location which had good links to local facilities and would not have any adverse impact on wildlife. The proposal also included a stronger landscape buffer between the existing development and open countryside that acted as a bat foraging area. It was considered that these specific benefits outweighed the normal restrictions on development outside of the defined settlement but in a sustainable location. The proposal accorded with Policies S1 and S2 of the Taunton Deane Local Plan.

**105. Erection of 18 affordable apartments together with associated access works, parking and landscaping on land at 49 Wordsworth Drive, Taunton**

The above application was granted planning permission on 16 August 2010. Condition 6 of the approval stated that “The existing trees and hedge along the southern boundary of the site shall be retained and shall not be lopped, topped or removed without the agreement in writing of the Local Planning Authority.”

An application had subsequently been submitted to address the requirements of the condition. This had followed a tree survey of the trees on the southern boundary which had concluded that the trees were in poor structural condition and had a limited remaining life expectancy of less than 10 years.

The applicant’s intention was therefore to remove the trees/hedge concerned and replace them with semi mature trees so as to provide a more instant effect which would be visually attractive, enhance the development and surrounding buildings and provide all year round visual interest.

A revised plan had been sought following neighbour consultations and the lack of evergreen species as part of the replacement planting. The Landscape Officer had advised on the revised planting scheme and was satisfied with the proposals which included Holly, Hornbeam and Scots Pine.

As the existing boundary was totally evergreen, objections from local residents had been received on the basis that the replacement trees were not of the same evergreen species and could give rise to overlooking issues in the winter time.

Members felt that the Landscape Officer should be requested to reconsider the suitability of the species of trees/hedge to replace the existing southern boundary. The extension of the length of screening beyond what was there at the moment was also supported.

**Resolved** that subject to the Landscape Officer and the applicants agreeing an amended scheme for the replacement of trees along the southern boundary of the

site at 49 Wordsworth Drive, Taunton, the Growth and Development Manager in consultation with the Chairman be authorised to agree the application.

**106. Large container sited to the front of garages on Rydon Lane, Taunton**

Reported that it had come to the Council's attention that a large container had been sited against the south-west boundary of the hardstandings to the front of the garages in Rydon Lane, Taunton.

The owner of the container had been informed that planning permission was required to retain it on the site but, to date, no application to regularise the situation had been received.

**Resolved** that:-

- (i) An enforcement notice be served to seek the removal from the land of the unauthorised container which had been sited on the hardstandings to the front of the garages in Rydon Lane, Taunton ;
- (ii) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (iii) The time period for compliance with the notice be six weeks.

**107. Appeals**

Reported that one appeal had been lodged, details of which were submitted.

**108. Exclusion of the Press and Public**

**Resolved** that the Press and Public be excluded from the meeting for the following item because the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

**109. Schedule of Alleged Contraventions up to 30 September 2011**

Reported details of the Schedule of Alleged Contraventions for the second quarter of 2011 (July, August and September 2011). The Schedule provided details of the following information:-

1. Cases that were under investigation at the end of Quarter 2;
2. Cases that were closed during Quarter 2; and
3. Cases where formal enforcement action had been authorised with an update on the current situation as at end of Quarter 2.

**Resolved** that the report be noted.

(The meeting ended at 7.15 pm)

## **Planning Committee – 30 November 2011**

Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,  
Horsley, Miss James, Morrell, Mrs Reed, Watson, A Wedderkopp,  
D Wedderkopp and Wren

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area  
Co-ordinator), Miss M Casey (Planning and Litigation Solicitor) and  
Mrs G Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **110. Apologies/Substitution**

Apologies: Councillors Mrs Messenger, Mrs Smith and Tooze  
Substitution: Councillor Horsley for Councillor Mrs Smith

### **111. Minutes**

The minutes of the meeting of the Planning Committee held on 19 October 2011 were taken as read and were signed.

### **112. Declarations of Interest**

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Wren declared a prejudicial interest in application No 23/11/0033/LB and left the meeting during the consideration of this item. Councillor Wren also declared a personal interest as an employee of Natural England. Councillor Horsley declared a prejudicial interest in application No 38/11/0620 and left the meeting during the consideration of this item. Councillors Bowrah, A Govier and Mrs Reed declared that they had attended a town council meeting where Agenda items 8 and 9 had been discussed. However, they did not consider that they had fettered their discretion. Councillor Mrs Hill declared that she was a Member of the Hestercombe House Board of Trustees and considered that she had not fettered her discretion with regard to Agenda item 10.

### **113. Application for Planning Permission**

The Committee received the report of the Growth and Development Manager concerning an application for planning permission and it was **resolved** that it be dealt with as follows:-

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

**23/11/0033/LB**

**Installation of 12 ASolar PV panels on south facing roof at Haven House, Fore Street, Milverton**

**Reasons**

The panels, by reason of their location, expanse of coverage and prominence, would have a detrimental impact on the character of the building. Therefore, the building would not be preserved, contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**114. Application to alter the approved layout and house design for plots 8 and 9 of approval 20/04/0026 for the development at Hill Farm, Kingston St Mary (20/11/0015)**

Reported this application.

**Resolved** that subject to the applicant entering into a Section 106 Agreement to secure the contributions towards leisure and recreation facilities sought under the previous planning permission, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A4) DrNO 1111-05 Location plan;
  - (A1) DrNo 1111\_04 Rev A site layout; and
  - (A1) DrNo 1111\_03 Rev A Floor plans and elevations - plots 8 and 9 and covered parking;
- (c) Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be



replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

**Reasons for planning permission, if granted:-**

The proposed development, when compared to the extant permission would not impact unreasonably upon the character and appearance of the area generally and the natural beauty of the Quantock Hills Area of Outstanding Natural Beauty specifically; the amenity of existing and proposed neighbouring residents or the highway network. It was, therefore, in accordance with Policies S1 (General Requirements), S2 (Design) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan and Policy 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review.

**115. Change of use from mixed A1 retail and A3 cafe use to mixed A3 cafe and A5 hot food takeaway use at 25 Bridge Street, Taunton (38/11/0620)**

Reported this application.

**Resolved** that subject to the receipt of no adverse comments from Environmental Health and no new objections raising new issues by 8 December 2011, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following condition be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission.

(Notes to applicant:- (1) Applicant was advised that any alterations to the shop front will require planning permission, and that any new signage may require advertisement consent; (2) Applicant was advised that any external flue will require separate planning permission and the granting of this permission does not infer that such a flue would be acceptable. The flue should vent above the highest part of the building, 1m above the eaves of the building or nearby windows, to allow for fumes and odours to disperse.)

**Reasons for planning permission, if granted:-**

The proposal was considered not to have a detrimental impact upon visual amenity, residential amenity or the vitality and viability of the defined Secondary Shopping Area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and T21 (Secondary Shopping Area).

**116. Conversion/alteration/extension to provide four shops and six apartments at Nos. 2 - 6 Cornhill, Wellington and outline application for the demolition of existing structures and the erection of 30 dwellings on land adjoining North Street Car Park, Wellington (43/11/0083)**

Reported this application.

**Resolved** that subject to:-

- (1) The receipt of further information as to the historic significance of some of the buildings to be demolished and the agreement of the Heritage Lead that the demolition was justified and would preserve the character and appearance of the Conservation Area;
- (2) The Applicant entering into a Section 106 Agreement to secure the provision of £5750 towards children's play facilities; and
- (3) The submission of an amended plan showing a more suitable rear elevation for Nos. 4 and 5 Cornhill,

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

- (a) Insofar as it relates to the works to Nos. 2 - 6 Cornhill, the development hereby permitted shall be begun within three years of the date of this permission. Insofar as it relates to the erection of 30 dwellings (new build plots 1-30), approval of the details of the appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A3) DrNo 09007-L.01.01 Rev A Location Plan;
  - (A3) DrNo 09007-L.01.02 Rev A Existing Site Plan;
  - (A1) DrNo 09007-L.01.03 Rev C Proposed Site Layout;
  - (A3) DrNo 09007-L04.01 Proposed Elevations;
  - (A1) DrNo 09159-L04.02 Rev B Proposed Elevations;
  - (A1) DrNo 09159-L04.01 Rev B Existing Elevations;
  - (A3) DrNo 09159 L02.01 Existing Floor Plans;
  - (A1) DrNo 09159-L04.02 Rev B Proposed Elevations;
  - (A1) DrNo 09159-L02.02 Rev B Proposed Floor and Roof Plans;
- (c) Full details of facilities for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in respect of condition (a). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such;
- (d) Full details of facilities bin storage shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in respect of condition (a). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such;
- (e) No development 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 by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;

- (f) No demolition or alteration to Nos. 2 - 6 Cornhill shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to, and agreed in writing with, the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition or alteration of the existing buildings;
- (g) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ecologic Environmental consultant's submitted reports; dated January 2011 and up to date bat surveys and include:-
  - 1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
  - 2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance; and
  - 3. Measures for the enhancement of places of rest for, breeding birds and bats.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (h) Prior to the occupation of the development hereby permitted, a residential travel plan shall be submitted to, and approved in writing by, the Local Planning Authority. The travel plan shall be based upon the principles set out in the 'Residential Travel Plan Statement'. The approved travel plan shall be implemented in accordance with the details agreed within the travel plan;
- (i) The proposed estate roads, footways, footpaths, cycleways, sewers, drains, vehicle overhang margins, junctions, 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. The approved details shall be implemented such that each dwelling is served by a properly consolidated surface, at least to base course level, prior to its occupation. The scheme shall be completed prior to occupation of 90% of the new build dwellings (plots 1-30) hereby permitted;
- (j) The works to Nos. 2 - 6 Cornhill hereby permitted shall be carried out such that the buildings are capable of occupation prior to the occupation of 50% of the new build dwellings (plots 1-30);
- (k) The ground floors of Nos. 2 - 6 Cornhill are hereby permitted for uses in the following Classes of 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 and re-enacting that Order with or without

- modification): A1, A2, B1(a), D1;
- (l) The ground floors of Nos. 4 and 5 Cornhill may be used independently to each other or as one single unit in accordance with Condition (k).
  - (m) The applicant shall ensure that all construction vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to construction commencing, and thereafter maintained until the use of the construction on-site discontinues;
  - (n) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), the dwellings hereby permitted shall not be extended and no windows (other than those that may be approved under condition (a)) shall be inserted into the rear elevations of plots 21-24, and there shall be no alteration or erection of any means of enclosure other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
  - (o) Prior to the commencement of the new build development (plots 1-30) hereby permitted full details of the means of vehicular access to the site where the vehicular access crosses from the North Street Car Park over the footpath between that car park and Fore Street shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and thereafter retained as such in accordance with the approved details prior to the occupation of any dwellings hereby permitted.

**Reasons for planning permission, if granted:-**

The proposed development was well designed in terms of its layout and scale and paid respect to the historic built environment of the centre of Wellington. It would not impact unreasonably upon the local highway network or the amenities of existing neighbouring property. The character and appearance of the Conservation Area would be preserved and, in some respects, enhanced and the listed buildings within and their settings would be preserved. The proposal was, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN23 (Areas of High Archaeological Potential), and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policies 9 (The Built Historic Environment), Policy 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; advice contained in Planning Policy Statement 5 (Planning for the Historic Environment) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**117. Erection of 4 No. two bedroom cottages and 3 No. two bedroom cottages to the rear of the former Three Cups, Fore Street, Wellington (43/11/0106)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure contributions towards recreation facilities, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A3) DrNo 07/05/150 Floor Plans;
  - (A3) DrNo 07/05/151 Floor Plans;
  - (A3) DrNo 07/05/152 Elevations;
  - (A3) DrNo 07/05/153 Elevations;
  - (A3) DrNo 07/05/154 Elevations;
  - (A3) DrNo 07/05/201C Proposed Site Plan;
  - (A4) DrNo 07/05/2000 Location Plan;
  - (A3) DrNo 201D Proposed Site Plan;
  - (A3) DrNo 51A Floor Plans;
  - (A3) DrNo 153A Elevations;
- (c) No development 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 by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development hereby permitted and shall thereafter be retained as such;
- (e) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to its construction, full details of the proposed boundaries between the dwellings and the access road/turning area shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;
- (g) Prior to its construction, full details of the proposed boundary between the public footpath and the access road/turning area shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary shall take the form of a wall of at least 1m in height. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;

- (h) (i) Prior to its installation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (i) Prior to the construction of the access/turning area, 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 and shall thereafter be retained as such;
- (j) Prior to the occupation of the dwellings hereby permitted, the bin and cycle storage facilities indicated on drawing 07/05/201D shall be provided and capable of use and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority;
- (k) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions shall be added, no additional windows shall be installed, no gates fences, walls or other means of enclosure shall be constructed and no outbuildings shall be erected other than those expressly authorised by this permission without the further grant of planning permission.

#### **Reasons for planning permission, if granted:-**

The proposed development was acceptably designed and would not impact unreasonably upon other nearby residents, the highway network, the adjoining public footpath, archaeological remains or the character and appearance of the Conservation Area or adjoining listed buildings. It would, therefore, be in accordance with Policies S1 (General Requirements), S2 (Design) and EN23 (Areas of High Archaeological Potential) of the Taunton Deane Local Plan, Policies 9 (The Built Historic Environment), 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **118. Installation of ground mounted photovoltaic panels in Gotten Copse at Hestercombe Gardens, Cheddon Fitzpaine (48/11/0030)**

Reported this application.

**Resolved** that subject to the receipt of no adverse comments from English Nature by 13 December 2011, the Growth and Development Manager be authorised to

determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A3) DrNo 771.122 Location Plan;
  - (A1) DrNo 771.120 Section and Elevation;
  - (A1) DrNo 771.119A Site Plan;
- (c) Prior to the installation of any part of the solar panels and mounting, details/specifications of the solar panels to be used on the development hereby permitted shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is brought into use, further details of the planting, 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 the development being brought into use, 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, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (e) Prior to the installation of any part of the solar panels and mounting, details of the precise route of the cable, along with a tree protection method statement shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

**Reasons for planning permission, if granted:-**

The proposed photovoltaic panels, although visible in the landscape were not considered to appear prominent. The proposal was not considered to result in harm to the character and appearance of the countryside, the special historic interest of Hestercombe House and Gardens, its surrounding Conservation Area or listed buildings. As confirmed by the test of likely significant effect, there would be no significant effects on feeding habitat or flight lines of the protected Lesser Horseshoe Bats and due to the location, the proposal was not considered to result in material harm to the amenities of nearby properties or to the setting of the adjacent listed buildings. Furthermore, the scheme would promote renewable energy. As such, the proposal was in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 22 (Renewable Energy), Planning Policy Statement 5 (Planning for the Historic

Environment), policies 5 (Landscape Character) and 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interest), EN12 (Landscape Character Areas), EN14 (Conservation Areas), C12 (Renewable Energy) and EN20 (Parks and Gardens of Special Historic Interest) of the Taunton Deane Local Plan.

#### **119. Appeals**

Reported that one appeal had been lodged and one appeal decision received, details of which were submitted.

(The meeting ended at 7.26 pm)



## Planning Committee – 1 December 2011

- Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, C Hill, Mrs Hill, Miss James, Morrell, Tooze, Watson, Ms Webber, A Wedderkopp, D Wedderkopp and Wren
- Officers:- Mr T Burton (Growth and Development Manager), Mrs J Moore (Major Applications Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager and Mr R Bryant (Democratic Services Manager)

(The meeting commenced at 5.00 pm)

### 120. Apologies/Substitution

Apologies: Councillors A Govier, Mrs Messenger, Mrs Reed and Mrs Smith  
Substitution: Councillor Ms Webber for Councillor Mrs Reed

### 121. Declarations of Interest

Councillor D Wedderkopp declared personal interests as a Member of Somerset County Council and a member of the Somerset Waterways Trust. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared personal interests as an employee of Viridor and as a member of the Somerset Waterways Trust. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillors Mrs Allgrove and Bishop declared personal interests as members of the Somerset Waterways Trust. Councillor Ms Webber declared personal interests both as the Chairman of Cheddon Fitzpaine Parish Council and as a tenant of the Crown Estate.

### 122. Applications for Planning Permission

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

**31/11/0026**

**Erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse, extension of car park and temporary erection of two tents at Woodlands Castle, Ruishton**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the

date of this permission;

- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

(A1) DrNo 22912/001/100 Rev B General Arrangement;  
(A4) DrNo 694B/01 Location Plan;  
(A1) DrNo 694B/02B Existing Site Plan;  
(A1) DrNo 694B/04 Existing Lower Ground Floor Plans;  
(A1) DrNo 694B/05 Existing Ground Floor Plans;  
(A1) DrNo 694B/06 Existing First Floor Plans;  
(A1) DrNo 694B/07 Existing Elevations 1/2;  
(A1) DrNo 694B/08 Existing Elevations 2/2;  
(A1) DrNo 694B/09 Existing Sections;  
(A1) DrNo 694B/10 Proposed Lower Ground Floor Plans;  
(A1) DrNo 694B/11 Proposed Ground Floor Plans;  
(A1) DrNo 694N/12 Proposed First Floor Plans;  
(A1) DrNo 694B/13 Proposed Elevations 1/2;  
(A1) DrNo 694B/14 Proposed Elevations 2/2;  
(A1) DrNo 694B/19 Proposed Temporary Marquee;  
(A1) DrNo 694B/15A Proposed Sections;

- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of a Bat Emergence Survey to be carried out, and Michael Woods Associates Ecological Survey dated July 2011, and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when bats and nesting birds could be harmed by disturbance; and
  - Measures for the enhancement of places of rest for nesting birds and possibly bats.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of a new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (f) Noise from amplified music or speech from the licensed premises shall not be audible at the points marked A, B and C on the attached plan at any times. This condition shall not apply to amplified broadcasts made in connection with evacuation of the premises in the event of fire or other emergency;
- (g) A Green Travel Plan shall be submitted prior to the new temporary or permanent facility being brought into use and subsequently shall be implemented in accordance with the action plan specified unless otherwise agreed in writing by the Local Planning Authority. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan and the Travel Plan shall be carried out as approved;
- (h) The bollards to close the old access drive shall be maintained at all times;
- (i) The reinstatement of the boundary wall of the walled garden shall be carried out prior to the new permanent conference building being brought into use;
- (j) The two temporary tents hereby permitted shall be removed from the site on or before 31 May 2016;
- (k) Prior to construction of the new pergola and paved terrace details of the existing and proposed ground levels shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) There shall be no fireworks or Chinese lanterns used at the site unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

### **Reasons for granting planning permission:-**

The principle of expanding an existing business use outside defined settlement limits was considered acceptable and the proposal was considered not to harm visual or residential amenity or the character and setting of the listed building and was therefore considered to be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, PPS5, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, and accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Development Outside Settlements), EC2 (Expansion of Existing Firms on Land Subject to Restrictive Policies), EC6 (Conversion of Rural Buildings) and EC7 (Rural Employment).

**Erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse and temporary erection of two tents at Woodlands Castle, Ruishton**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 22912/001/100 Rev B General Arrangement;
  - (A4) DrNo 694B/01 Location Plan;
  - (A1) DrNo 694B/02B Existing Site Plan;
  - (A1) DrNo 694B/03C Proposed Site Plan including Landscaping;
  - (A1) DrNo 694B/04 Existing Lower Ground Floor Plans;
  - (A1) DrNo 694B/05 Existing Ground Floor Plans;
  - (A1) DrNo 694B/06 Existing First Floor Plans;
  - (A1) DrNo 694B/07 Existing Elevations 1/2;
  - (A1) DrNo 694B/08 Existing Elevations 2/2
  - (A1) DrNo 694B/09 Existing Sections;
  - (A1) DrNo 694B/10 Proposed Lower Ground Floor Plans;
  - (A1) DrNo 694B/11 Proposed Ground Floor Plans;
  - (A1) DrNo 694N/12 Proposed First Floor Plans;
  - (A1) DrNo 694B/13 Proposed Elevations 1/2;
  - (A1) DrNo 694B/14 Proposed Elevations 2/2;
  - (A1) DrNo 694B/15 Proposed Sections;
  - (A1) DrNo 694B/19 Proposed Temporary Marquee;
- (c) No boundary wall works to the walled garden shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Before any works on the building are undertaken a precise schedule of the repairs shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved schedule including timing being strictly adhered to in the implementation of the approved work, unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (e) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: glass house; glazed link; covered walkway; staircase in estate equipment store; new window to male WC's; doors; architraves; glazing to function room; platform lift; and finished treatment/s for all joinery/ timberwork.

**Reasons for granting listed building consent:-**

It was considered that the proposal was in accordance with Section 16 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 and was in line with PPS5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy CP8 of the Taunton Deane Core Strategy in respect of proposals relating to listed buildings.

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

**08/11/0018**

**Outline application for residential development on land to the east of Tudor Park, Maidenbrook Farm, Taunton**

### **Reasons**

- (a) The proposal will have a significant detrimental impact on the open character of the Taunton-Monkton Heathfield green wedge and would reduce the effectiveness of the area in its role in separating the settlements of Taunton and Monkton Heathfield and would represent an undesirable contribution towards the coalescence of the two settlements and is considered to be contrary to Somerset and Exmoor National Plan Policy STR1 and Taunton Deane Local Plan Policies EN13 and regulation 30 Published Core Strategy Policy CP8 furthermore it is considered that the additional 125 dwellings that could be provided as a result of these proposals is not of sufficient weight to outweigh the detrimental impact of the proposals on the above policies;
- (b) The proposed development of this open green field site, characterised by hedge enclosed farmland, would be out of character with and detrimental to the landscape character of the area contrary to the requirements of Taunton Deane Local Plan Policy EN12. Furthermore its development would have a detrimental impact on the character of the Taunton and Bridgwater Canal and approach route into Taunton contrary to the requirements of Taunton Deane Local Plan Policies EN25 and T34 and Regulation 30 Published Core Strategy Policy CP8;
- (c) Taunton Deane Local Plan Policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings. The current proposal does not provide for any affordable housing and is considered to be contrary to Somerset and Exmoor National Park Policy 35, Taunton Deane Local Plan Policy H9 and Planning Policy Statement 3 (paragraphs 27 – 30) and Published Core Strategy Policy CP4;
- (d) The development is expected to result in a need for an additional primary and secondary school places. The existing primary school and secondary schools have no spare capacity to cater for the additional demand and the developer is not proposing any contributions in order for those facilities to be provided. As a result the proposal is considered to be contrary to Taunton Deane Local Plan Policy C1 and Regulation 30 Published Core Strategy Policy CP7;
- (e) The proposal does not include the provision of contributions towards adequate recreation space, playing field provision or community hall requirements and does not comply with the requirements of Taunton Deane Local Plan Policy C4 and Regulation 30 and Published Core Strategy Policy SP2;
- (f) The proposal does not include the required package of off site highway work or travel plan contributions as listed in the report and as such does not comply with Taunton Deane Local Plan Policy S1, Somerset and Exmoor National Park Structure Plan Policy 49 and Core Strategy Policies SP2 and SP6.

Note - In the event that a Section 106 Agreement was submitted which provided acceptable provisions for affordable housing, highways, education, leisure and recreation, refusal reasons (c), (d), (e) and (f) would be withdrawn.

**123. Erection of up to 580 residential dwellings, live-work units, retail space, other mixed use development and open space to include play areas and linear park, and associated landscaping at land off Nerrols Drive, Taunton (08/11/0024)**

Reported this application.

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

- (1) 25% affordable housing to be split in accordance with the Core Strategy;
- (2) The following transport related requirements:-
  - Contributions to works to be carried out by Somerset County Council at Creech Castle Junction, Venture Way Roundabout, Priorswood Roundabout and the Wickes Roundabout. These contributions are yet to be agreed with the developer;
  - The design, construction and funding of four Right Turn Lane Access Junctions into the site, three from Nerrols Drive and one from the A3259;
  - The Protection of a route through the development from Nerrols Drive to land to the north;
  - Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the Section 106 Agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a Full Travel Plan schedule which contains a range of measures including the funding of a travel plan co-ordinator, personal travel planning, a car club and scheme for residential cycle parking;
  - Highways works in support of the travel plan including:-
    - (i) land within the development and provision of land within the extended highway width on the A3259 for a cycle and walking link to along the southern edge of the site between the Crown Medical Centre Roundabout and the existing footway/cycleway on Yallands Hill;
    - (ii) footway improvements to along the eastern side of Nerrols Drive to connect the existing footway to the Crown Medical Centre Roundabout; and
    - (iii) safe controlled pedestrian and cycle crossing points across Nerrols Drive at two locations (north and south) and two locations across the A3259 at the Crown Medical Centre Roundabout and Yallands Hill;

- Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices;
  - Travel information contribution of £35,000 to assist the Somerset County Council in providing smarter travel information material and resources in co-ordination with other neighbouring developments in north Taunton and Monkton Heathfield with relevant cycle leaflets and bus timetables as part of travel information packs and towards the County Council's costs in adapting its online bus journey planner for residents;
  - A contribution of £260,000 to cycleway connectivity and signage improvements between the site and neighbouring destinations;
  - A personal travel planning and travel plan co-ordinator contribution of £250,000 to assist in the implementation of the developer's travel plan and enable co-ordination with a strategic area-travel plan for other development in north Taunton and Monkton Heathfield;
  - A car club contribution of £50,000;
  - A smarter travel management fund of £25,000 to aid with the ongoing provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan co-ordinator promote sustainable travel during the life of the travel plan, and should targets not be met to provide further remedies.
  - Ten fully-equipped bus stops featuring hard standing, licensed shelters and cycle parking on each side of the A3259 (1 pair) and Nerrols Drive (4 pairs) on the stops adjacent to the development site with a commuted maintenance sum; and
  - A Travel Plan Fee of £4000 to assist Somerset County Council's role in supervising the implementation of the travel plan as a one-off payment;
- (3) Education contributions which must include a site for a new primary school plus contributions for secondary school places and pre-school (based on the formula listed in the consultation response contained in the Committee report);
- (4) Country Park - Offsite commitment for green wedge land beyond the application site; and
- (5) Drainage - Maintenance of the surface water attenuation ponds,

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

- (a) Approval of the details of the layout, scale, appearance, boundary treatments and internal access of the site (hereinafter called "the reserved matters") shall

be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo 21262-L-229 Figure 3 Illustrative Masterplan;
- (A3) DrNo 21262-L228 Figure 1 Site Location Plan;
- (A1) DrNo 21262-L181b Figure 2 Planning Application Site Boundary;
- (A3) DrNo 21262-L231 Figure 4 Land Use Budget;
- (A3) DrNo 29392-L09 Revised Illustrative Masterplan (November 2011);
- (A3) DrNo 29392-L07 Preliminary Highway Design Option1;
- (A3) DrNo 29392-L08 Preliminary Highway Design Option 2;
- (A3) DrNo 29392-L88 Rev A Proposed Site Access/A3259;
- (A3) DrNo 29392-L87 Rev A Proposed Site Access/ Neighbourhood Centre;
- (A3) DrNo 29392-L85 Rev A Proposed Site Access/Southern Access, Nerrols Drive;
- (A3) DrNo 29392-L189a Junction 2 Priorswood Roundabout Mitigation;

- (d) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting (taking account of the wildlife mitigation requirements), 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;
- (e) No development shall take place on the site until there is submitted to, and approved in writing by, the Local Planning Authority, a Design Code for the site in its entirety. The Design Code shall be approved prior to the approval of any reserved matters application submitted in association with this permission.

The Design Code shall include detailed codings for:-

- Architectural and sustainable construction principles;
- Character Areas, street types and street materials;
- Block types and block principles;
- Renewable and energy efficiency measures;
- Principles of internal highways, cycle-ways and footpaths;
- Car and cycle parking principles;
- Building types, heights and materials;
- Boundary treatments and surface treatments;



- (f) Prior to the commencement of works on site, details for the parking of motor vehicles shall be submitted to, and approved in writing by, the Local Planning Authority. The approved parking shall be provided on site prior to the occupation/commencement of use of the building to which it relates and shall thereafter be maintained;
- (g) The development shall provide for covered and secure cycle storage facilities, details of which shall be indicated on the plans submitted in accordance with the condition above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (h) The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (i) Prior to the commencement of the development a landscape strategy and management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping strategy shall include details of the proposed structural and internal landscaping and the proposed phasing of any landscaping works. The landscape management plan shall include a maintenance plan specifying the extent and timing of grass cutting, shrub pruning and tree maintenance. The landscape strategy shall thereafter be implemented on site in accordance with the approved strategy and a management plan unless otherwise agreed in writing by the Local Planning Authority;
- (j) Prior to the commencement of works on site, details of a Country Park to the east of the site, and as illustrated on the submitted masterplan, a timetable for its provision on site and its future management regime shall be submitted to, and approved in writing by, the Local Planning Authority. The Country Park shall thereafter be provided in accordance with the approved details unless a variation is first submitted to, approved in writing by, the Local Planning Authority. The submitted details shall be in general accordance with the design brief attached to the certificate;
- (k) Prior to the commencement of works on site, details for the multi purpose green necklace around the boundary of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include the provision of land for outdoor recreation in addition to the buffer planting required for wildlife mitigation purposes;
- (l) Prior to the commencement of works on site, full details of the public open space and children's play areas in accordance with Taunton Deane Local Plan Policy C4 (to include one Local Equipped Area for Play (LEAP) and one Neighbourhood Equipped Area for Play (NEAP)) with details of their size, location, equipment and future management shall be submitted to, and approved in writing by, the Local Planning Authority. The public open space and play areas shall thereafter be provided and maintained in strict accordance with the approved details unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (m) Before any part of the development hereby permitted is commenced a plan showing:-
  - (i) 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); and
- (ii) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;
- (n) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
  - (o) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
  - (p) 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 1.5 m high, placed at a minimum distance of 2.0 m 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;
  - (q) No development 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 by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
  - (r) Prior to any reserved matters approval, a detailed surface water drainage strategy must be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be generally in accordance with section 4.6.2 and figure 4.1 of the approved Flood Risk Assessment (prepared by Entec UK Ltd and dated December 2010) and include details of the phasing and timing of the surface water infrastructure as well as the maintenance regime and responsibilities. The scheme shall be subsequently implemented and maintained in accordance with the approved details;
  - (s) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance. Where remediation is necessary a remediation scheme must be prepared in accordance with the above authoritative guidance and submitted for approval in writing by the Local Planning Authority and such scheme shall be implemented prior to the occupation of any units that would be affected by the contaminated area;

- (t) Prior to the commencement of any development works on site, the applicant shall submit details of a sound reduction scheme based on the noise assessment in the Environmental Statement, Entec UK Ltd, December 2010 (Ref 21262rr113). This shall include details of the glazing and ventilation to be used to achieve the “good” standard for internal noise levels as detailed in British Standard 8233, for residential premises on the development, and the calculations and reasoning upon which any such scheme is based. The report is to be accepted in writing by the Local Planning Authority prior to commencement of development works and the accepted works carried out in accordance with the approved sound reduction scheme prior to occupation, and maintained as such thereafter, unless an alternative is first agreed in writing by the Local Planning Authority;
- (u) Prior to the commencement of works on site details of a foul drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (v) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. Drainage designs shall ensure that surface water from each plot, phase or parcel of land is attenuated to the 1 in 2 year Greenfield Runoff rate (4.55 l/s/ha) for all storm events up to and including the 1 in 100 year plus climate change event. The scheme shall subsequently be implemented and completed in strict accordance with the approved details before any built development commences on site;
- (w) No development shall take place on land to which reserved matters relate until a scheme for finished floor levels for each plot, phase or parcel of land has been submitted to, and agreed in writing by, the Local Planning Authority. The finished floor levels of the built development shall be set no lower than 150mm above the existing ground level on site;
- (x) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife and their habitats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Entec's Environmental Statement dated December 2010 and up to date surveys and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
  - Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes, bat

boxes and the bat house and related accesses have been fully implemented. Thereafter the bird boxes, bat boxes and the bat house and related accesses shall be permanently maintained in a useable condition;

- (y) Prior to the commencement of works on site, details of an annual monitoring scheme, to be undertaken by the applicant, for the woodland and buffer planting areas, as outlined on condition (z) below shall be submitted to, and approved in writing by, the Local planning Authority. The monitoring scheme must aim to ascertain the effectiveness of the planting to provide suitable replacement foraging habitat for the Lesser Horseshoe Bats from the Hestercombe Special Area of Conservation (SAC). Prior to the commencement of phase 2 of the development, as outlined in the design and access statement, full details of the findings of the monitoring scheme shall be submitted to the Local planning Authority. No works in association with phase 2 shall take place until it is agreed by the Local Planning Authority that the mitigation planting is functional, i.e. is providing adequate habitat mitigation for the loss of habitat for the Lesser Horseshoe Bats from the Hestercombe SAC resulting from the development. In the event that the planting does not provide adequate replacement habitat, the applicant shall submit a revised mitigation scheme designed to rectify any inadequacies that have been identified;
- (z) No development shall take place on site until a scheme for the mitigation of the impact on the Lesser Horseshoe Bat from the Hestercombe House SAC colony is submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the following:-

1. Details for the provision of a 20 m buffer of woodland around the northern and eastern boundaries of the site, which will connect with the retained tree belt on the eastern side of the Maiden Brook. This must be designed to form a continuous unlit corridor around the perimeter of the site, to provide the opportunity for light sensitive bat species (including Lesser Horseshoe Bats) to commute around the site, and to provide additional foraging habitat. The submitted details shall include a planting schedule and layout for the 20m buffer planting that must conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). The agreed on-site buffer planting shall be installed no later than year one of Phase 1a of the proposed development and advanced stock (Extra Heavy Standards) will be used, with the objective of ensuring that 40% of trees reach a height of 5.5m before commencement of Phase 2 of the development.
2. Details showing the retention and incorporation of the existing hedgerows on the boundaries of the development facing open countryside into the buffer planting.
3. Details for the retention of trees, hedgerows and scrub around Nerrols Farm.
4. Details of any proposed paths and cycleways through the buffer. These must be designed no wider than 3m and to go diagonally through the buffer and will not be lit.
5. The scheme shall show that all buildings, gardens, roads and footpaths will be offset from the buffer planting and the Maiden Brook by a minimum of 5m.
6. Details for the retention of the trees and mature hedgerows surrounding Nerrols Farm and plans to ensure its connectivity to the farmland to the north of the farm buildings.
7. Details for the provision of a 20m woodland buffer between Nerrols Farm and its ancillary farm buildings and the development site as indicated on the

illustrative masterplan, in order to retain the suitability of the farm for Lesser Horseshoe Bats, both as a foraging area and a potential night roost.

8. Details for the creation of an area of 3.15 hectares for off-site woodland planting using the methodology described in the, based upon the current site boundary and habitat data provided in the baseline ecology report (Entec 2010b). The planting schedule and layout of the off-site planting will conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). To minimise the time taken to achieve functionality, the off-site planting will be installed no later than year one of the proposed development.

9. Details for the preparation and implementation of a habitat management plan to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for Lesser Horseshoe Bats. The management plan must cover management of the whole site, plus the off-site compensation areas for a period of 25 years from completion of the works and must include measures to promote the establishment of the buffer and off-site planting, such as thinning and the replacement of 'nurse crop' species (Poplar and Norway Spruce) with Oak and Ash to give a more diverse age range. It is proposed that the preparation and implementation of the management plan be secured by a planning condition.

10. Details for the provision of a purpose-built bat house to provide roosting opportunities for a variety of bat species, including Lesser Horseshoe Bats, in compensation for the loss of the barn to the west of Nerrols Farm. The bat house should be designed so that it does not induce a maternity colony to set up which might replace and undermine that of the Hestercombe House roosts.

11. Details of a lighting strategy to minimise the effects on Lesser Horseshoe Bats (and other bat species), and must incorporate the following:-

- No night-time working during the construction stage of the development;
- Street lighting that is no higher than 5m, directed away from the landscape;
- Landscape buffers and hedgerows designed to avoid light spillage and pollution;
- Lighting adjacent to features used by bats as flight corridors and foraging habitat (namely the woodland buffer strip, hedgerows, the Nerrols Farm access road and Maiden Brook) will be directed away from these features and lighting levels will be as low as legally permissible;
- Lighting will not be of the white mercury vapour or high pressure sodium types. Where possible, LED, highly directional and/or 'light on demand' forms of lighting will be used.

Once approved the development shall proceed in accordance with the timings agreed in the above scheme and shall thereafter be maintained as such unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;

- (aa) Prior to the submission of a reserved matters application for phase 2 of the development site, details showing the provision of a minimum of 660m<sup>2</sup> of employment land for Class "B1" business uses as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) on the application site, or adjacent land known as Nerrols Farm, and the timing of its provision

- shall be submitted to, and approved in writing by, the Local Planning Authority;
- (bb) Reserved matters submissions for phase 2 of the development, as defined in the design and access statement shall include a highway, footpath and cycleway links up to the boundary of the site with the land to the north and north west;
  - (cc) Prior to the submission of any reserved matters application in connection with this permission a detailed Energy Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The statement shall include details an investigation into the feasibility and viability of providing a suitably located energy centre in order to provide locally generated electricity to serve the whole allocated site;
  - (dd) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath;
  - (ee) No development hereby permitted shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
  - (ff) No work shall commence on the development hereby permitted until detailed plans and specifications of the access junctions have been submitted to, and approved in writing by, the Local Planning Authority in conjunction with the Somerset County Council. Thereafter no part of the development shall be occupied until the relevant access junction serving that part of the development has been fully constructed in accordance with the approved details and opened for use by traffic unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
  - (gg) No development shall take place on Phase 2 of the land until details of a Link Road to the land to the north/north-west and its junction with Bossington Drive have been submitted to, and agreed in writing by, the Local Planning Authority in conjunction with the County Highway Authority;
  - (hh) No development shall commence until plans showing the land to be dedicated as Public Highway on the A3259 frontage have been submitted to, and approved in writing by, the Local Planning Authority;

(Notes to applicant:- (1) Applicant was advised that in connection with Condition (i) the Local Planning Authority expect the landscape scheme to include the following :-

- a) earth mounding in order to provide additional screening around the perimeter of the site;
- b) a minimum distance of 25m between any trees and the listed buildings;
- c) the planting scheme must be in keeping with the requirements of the Flood Risk Assessment (FRA) mitigation;
- d) footpath links throughout the site including footpath links and footbridges to the green open space adjacent to Maiden Brook;

(2) Applicant was advised that regarding Condition (k) the provision of land for allotments shall be based on the Council's Allotment Policy for 15.4m<sup>2</sup> per dwelling;

(3) Applicant was advised that the above drainage conditions have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which shows discharge rates, storage volumes and SuDs control measures for each catchment and the subsequent phases of development. The strategy will need to be supported by Micro-drainage calculations for all storm periods up to and including for the 1 in 100 year event plus climate change. Details of the existing and proposed surface water drainage system will

need to be provided. It must be demonstrated that all surface water features are located in Flood Zone 1 and this should be supported by site levels compared against the predicted 1 in 100 year event. The timing / phasing of surface water infrastructure is critical to ensure that all surface water is attenuated for as the development comes forward. The drainage infrastructure for each plot will need to be completed before any built development occurs on site to ensure that surface water flooding is not increased at any stage of development. Any exceedance flows, routes and depths must be mapped and addressed to ensure that the development is safe from flooding. The strategy must include details of the re-configuration of the two existing dry surface water attenuation basins on site. This must be undertaken in line with Section 4.7 of the FRA and Figure 4.1 of the FRA. Details must also be submitted to demonstrate that the capacity of the surface water drainage features are sufficient so that the attenuation features will not be exceeded. The risk of increased surface water flooding during all stages of development must be addressed. Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow approval for any detailed layout proposals to be recommended; (4) Applicant was advised that in regard to Condition (w) a topographic survey of the existing site together with proposed floor levels that are set 150mm or more above the existing levels should be supplied; (5) Applicant was advised that any works within the channel of the Maiden Brook (i.e. the surface water outfalls from the ponds) are likely to require Flood Defence Consent from the Environment Agency. All works in or near the channel should be undertaken in accordance with our Pollution Prevention Guidance Note 5 which is available on the Agency's website. Any waste used on site or taken off site will be subject to the appropriate Licences and Exemptions required from the Environment Agency; (6) Applicant was advised that the buffer planting around Nerrols Farm, should ensure that an appropriate distance is provided between the planting and the listed building in order to protect the setting and structures of the listed complex.)

### **Reasons for planning permission, if granted:-**

The proposal was considered as an interim proposal in order to maintain an acceptable supply of housing land. It was generally in keeping with the Regulation 30 published Core Strategy and would result in an acceptable mixed use development with acceptable highway access and good transport links to existing services in accordance with Taunton Deane Regulation 30 Core Strategy published plan Policy SS2.

Also **resolved** that in the event that the Section 106 Agreement was not signed within three months from the date of the meeting, the Growth and Development Manager be authorised to refuse planning permission or agree an extension of time within which the agreement should be signed.

(The meeting ended at 6.43 p.m.)

## Planning Committee – 14 December 2011

- Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, Mrs Hill,  
Miss James, Morrell, Nottrodt, Mrs Reed, Mrs Smith, Tooze, Watson,  
Ms Webber, A Wedderkopp and D Wedderkopp
- Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area  
Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal  
Services Manager and Miss M Casey (Planning and Litigation Solicitor)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### 124. Apologies/Substitution

Apologies: Councillors C Hill, Mrs Messenger and Wren  
Substitution: Councillor Nottrodt for Councillor C Hill  
Councillor Ms Webber for Councillor Wren

### 125. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Tooze declared personal interests as an employee of the UK Hydrographic Office and also because a close family relative lived close to the application site in respect of agenda item No. 6. Councillor Mrs Allgrove also declared a personal interest in agenda item No. 6 as she was the Clerk to West Buckland Parish Council five years ago. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillors Mrs Allgrove and Bishop declared personal interests as members of the Somerset Waterways Trust. Councillor Ms Webber declared a personal interest as a Ward Councillor in respect of agenda item No. 8.

### 126. Applications for Planning Permission

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

**37/11/0025**

**Change of use of land for use as storage for grounds maintenance equipment and materials at Taunton Deane Nursery, Stoke Road, Stoke St Mary (resubmission of 37/11/0011) (retention of works already undertaken)**



## **Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the following approved plan:- A4 Location Plan;
  - (b) There shall be no storage of equipment or materials over 3m in height unless otherwise agreed in writing by the Local Planning Authority.
- (Note to applicant:- Applicant was advised that the visibility splays should be maintained at all times and it is recommended that any vegetation obscuring the splay is removed.)

## **Reasons for granting planning permission:-**

The proposal was for a limited storage use on an existing commercial site with no new building and limited traffic movements and 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).

**46/11/0013**

**New site access onto the A38 Link Road at Foxmoor Business Park, Haywards Lane, Chelston, Wellington**

## **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A4) DrNo.2384.03C Site Location Plan;
  - (A1) DrNo 2384.08A Junction Details;
  - (A1) DrNo 3001 rev E Surface Water Drainage Design;
  - (A1) DrNo SPP.1657.1E Landscape Masterplan;
- (c) No development shall commence except the implementation of the landscaping scheme until full detailed plans and specifications for the left in/left out junction have been submitted to, and agreed in writing by, the Local Planning Authority. The access shall be constructed and thereafter maintained in complete accordance with those details;
- (d) No development shall commence until details of a flood compensation scheme have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of works on the access road hereby permitted.
- (e)
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the planting season prior to the commencement of works to form the new access, or as otherwise agreed in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping

scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

- (f) The existing access from Haywards Lane shall be permanently closed to vehicular traffic, whilst maintaining a link for pedestrians and cycles only in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be closed in accordance with the approved details within one month of the new access being brought into use.

(Notes to applicant:- (1) Applicant was advised that where major works are to be undertaken on or adjoining the publicly maintainable highway an agreement under Section 278 must be entered into with the County Highway Authority; (2) Applicant was advised that the details required by Condition (c) shall be generally in accordance with Drawing 2384.08A.)

### **Reasons for granting planning permission:-**

The proposal would create a new access to an existing business park, which would not cause harm to highway safety and would not have an unacceptable impact on the visual amenities of the area. It would improve the economic development potential of the business park and its resident businesses in terms of its visibility and access to the strategic road network, in particular the M5 Motorway. It would also improve the living conditions of a number of residents on Haywards Lane by removing a significant amount of traffic from the existing access routes which were narrow and poorly aligned. Such matters were considered to outweigh the conflict with the development plan, which sought to restrict new development in the open countryside and prevent new accesses onto County Routes, and was in accordance with Policy S1 (General Requirements) of the Taunton Deane Local Plan.

**48/11/0039**

### **Erection of agricultural cubicle building at Quantock Farm, West Monkton**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plan:-  
(A1) Unreferenced Plans (drawn by C A Gribble, dated 12/9/2011);
- (c) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy

- weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) An earth mound shall be constructed and maintained in the location shown on the submitted plan to a height of not less than 2m in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and shall be provided within three months of the commencement of any part of the development.

### **Reasons for granting planning permission:-**

The proposed development was considered to be acceptable, would not harm visual nor residential amenity or have any detrimental impact on the listed building. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and PPS5. In terms of the use of the building and traffic generation, the residents' concerns were noted, however the proposal was for recognised agricultural purposes in a rural area and as such was in accordance with PPS4 and PPS7.

### **127. Failure to comply with a Tree Replacement Notice at Beauford Park, Norton Fitzwarren**

Reported that the site at Beauford Park, Norton Fitzwarren was subject to the provisions of a Tree Preservation Order (TPO) TD726 (Norton Fitzwarren No.2, 1997) dated 26 February 1997.

It had come to the Council's attention as long ago as 2006 that Wood 1 (W1) referred to in the TPO was no longer in existence.

The northern section of W1 was owned by J and B Small Park Homes, whilst the southern section was jointly owned by developers, BDW Trading Limited, Bellway Homes Limited and Strongvox Limited. This southern section was included in a current development proposal and was due to be re-planted by the developers in line with approved landscape drawings.

Under Section 206(1) of the Town and Country Planning Act 1990 a land-owner was under a duty to replace trees in woodlands that were removed, uprooted or destroyed in contravention of a Tree Preservation Order.

Following various unsuccessful approaches to the owners of the land comprising the northern section of the woodland at Beauford Park requesting the replacement of the felled trees, the Council had finally issued a Tree Replacement Notice in October 2009 with compliance by 26 February 2010.

Unfortunately, the requirements of the Notice had not been complied with.

Section 209 of the Town and Country Planning Act 1990, provided the Council with the power to enter the land, plant the trees and recover from the land owner any expenses reasonably incurred by the Council in respect of planting the trees required. This course of action was now recommended to the Committee.

Although the Tree Replacement Notice required 120 trees to be planted, due to various factors such as the poor ground conditions (caused by the dumping of hardcore, concrete and other materials), the presence of the electricity substation, the underground cables and the proximity of adjacent homes, the proposal was for the Council to plant just 30-35 trees and shrubs at an estimated cost of approximately £600.

Noted that the plants would be a mixture of native trees and shrubs, such as birch, willow (goat or grey), alder, field maple, hazel, dogwood, hawthorn and blackthorn, planted as bare-root whips and feathered trees.

Members requested that small trees, rather than bare root whips, should be planted on the land concerned.

**Resolved** that the proposed replacement tree works to be carried out by Deane DLO on land at Beauford Park, Norton Fitzwarren be agreed, with the expense incurred being recovered from the owners of the land, J and B Small Park Homes.

(The meeting ended at 6.15 p.m.)