

Planning Committee – 7 January 2015

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

Officers: - Bryn Kitching (Development Management Lead), Matt Bale (Development Management Lead), John Burton (Major Applications Co-ordinator), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Andrew Randell (Corporate Support Officer)

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

1. Apology/Substitution

Apology : Councillor Bishop

Substitution: Councillor Mrs Reed for Councillor Bishop

2. Minutes

The minutes of the Planning Committee meeting held on the 10 December 2014 were taken as read and were signed.

3. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Coles also declared that he was the Firepool Champion for application Nos 38/13/0035 and 38/14/0076. He felt that he had not 'fettered his discretion'. Councillor Gaines declared that he was present at the Wiveliscombe Town Council meeting when application No 49/14/0064 was being discussed. He declared that he did not take part in the discussion. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council.

4. Applications for Planning Permission

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

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

49/14/0058

Erection of 2 No. agricultural buildings for the rearing of livestock and storage at Der Bauernhof (The Farm), Jews Lane, Maundown, Wiveliscombe

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 plans:-

- (A3) Bottom Barn Elevations and Floor Plan;
- (A3) Top Barn Elevations and Floor Plan;
- (A4) Location Plan;

(c) No building hereby approved shall be erected on the site 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 had been submitted by the applicant and approved by the Local Planning Authority;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.)

38/14/0369

Installation of brick and stone ramp to the west face of the building to provide wheelchair access to the new Tourist Information Centre, The Market House, Fore Street, Taunton

Conditions

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

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

- (A1) DrNo 14.2372/01 Plans and Elevations as Existing;
- (A2) DrNo 14.2372.02 Rev A Plans as Proposed;
- (A1) DrNo 14.2372/04 A West Elevation & Section B – B1 as proposed;

- (A1) DrNo 14.2372/05 Rev A North Elevation as Proposed;
 - (A2) DrNo 14.2372/08 Location and Block Plan;
- (c) 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: The detailed design of the handrails, at a scale of 1:10; details of the nosing for the steps and detail of how the new brickwork will be differentiated from the historic elements;

49/14/0064

Demolition of outbuildings with erection of two storey side extension at 1 West Road, Wiveliscombe

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:-
- (A3) DrNo J87/09C Elevation and Section;
 - (A3) DrNo J87/08B Block and Location Plan;
 - (A3) DrNo J87/07A Proposed Garage Workshop;
 - (A3) DrNo J87/06C Proposed Elevation;
 - (A3) DrNo J87/05C Proposed First Floor and Attic Plan;
 - (A3) DrNo J87/04B Proposed Ground Floor Plan;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

42/14/0065

Replacement of garage with erection of two storey side extension at 12A Trull Green Drive, Trull

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:-
- (A3) DrNo J99/04B Proposed Ground Floor and First Floor Plans;

- (A3) DrNo J99/05A Proposed Elevations;
- (A3) DrNo J99/06A Site and Location Plan;

(c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor window to be installed in the side (south) elevation of the extension shall be obscure glazed and non-opening (with only opening parts of the window more than 1.7 m above the floor level). The type of obscure glazing shall be of level 3, 4 or 5 obscurity, unless otherwise agreed in writing with the Local Planning Authority and shall thereafter be so retained.

(Notes to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

38/14/0409

Erection of two storey side extension and single storey rear extension at 8 Parkfield Drive, Taunton

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:-

- (A3) DrNo J105/01 Survey Drawing;
- (A3) DrNo J105/02A Proposed Floor Plans;
- (A3) DrNo J105/03A Proposed Elevations;
- (A3) DrNo J105/04 Block and Location Plan;

(Notes to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission.)

05/14/0051/LB

Replacement of attached garage with erection of single storey extension to the side of Bramdean, Bishop's Hull Road, Bishop's Hull (retention of part works already undertaken, resubmission of 05/14/0034/LB)

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:-

- (A4) DrNo 5015-01 Location Plan;
- (A3) DrNo 5015-PLB 02 Proposed Rev B;
- (A3) DrNo 5015-PLBN-02A Existing Rev A;
- (A3) DrNo 5015-02 Site Plan;

(c) No development, excluding site works, shall begin until a panel of the proposed brickwork measuring at least 1 m x 1 m had been built on 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) 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: details of terminal end of air extraction unit to new WC:

(e) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment, that shall first have been submitted to, and approved by the Local Planning Authority prior to their installation;

(f) 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 by the Local Planning Authority;

(g) The rooflights hereby approved shall be fitted flush with the roof covering unless otherwise first agreed in writing by the Local Planning Authority;

(h) All guttering, downpipes and rainwater goods shall be constructed of cast iron or aluminium and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

05/14/0050

Replacement of attached garage with erection of single storey extension to the side of Bramdean, Bishop's Hull Road, Bishop's Hull (Retention of part works already undertaken, resubmission of 05/14/0036)

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 5015-01 Location Plan;
- (A3) DrNo 5015-PLB 02 Proposed Rev B;
- (A3) DrNo 5015-PLBN-02A Existing Rev A;
- (A3) DrNo 5015-02 Site Plan;

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

44/14/0010

Change of use of land and erection of dog breeding kennels at Beacon Lane Farm, Voxmoor, Wellington (Retention of works already undertaken)

Reason

The proposed development, by reason of the scale of the business, the location of the kennels and their design was considered to cause unacceptable noise disturbance and harm to the peace and tranquillity of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). Visitors to the area currently enjoy a peaceful natural environment with little in the way of noise disturbances and the proposed development would fail to maintain the peace and tranquillity of the Blackdown Hills AONB and conditions could not overcome this harm. The proposed development therefore fails to comply with Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy and guidance within the National Planning Policy Framework.

5. Erection of 19 affordable apartments in a four storey block on land known as area F, Firepool Lock, Taunton (38/13/0035)

Reported this application

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

- (a) 25% Affordable Housing to be provided on-site;
- (b) A contribution towards the provision of off-site children's play or on-site provision with long term maintenance and management agreements;

The Assistant Director for Planning and Environment 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 2960_PL_01 Location Plan;
- (A1) DrNo 2960_L_010 Rev F Proposed Site Plan;
- (A1) DrNo 2960_L_050 Rev E Unit 6-24 Ground Floor Plan;
- (A1) DrNo 2960_L_052 Rev D Unit 6-24 First Floor Plan;
- (A1) DrNo 2960_L_053 Rev D Unit 6-24 Second Floor Plan;
- (A1) DrNo 2960_L_054 Rev D Unit 6-24 Third Floor Plan;
- (A1) DrNo 2960_L_056 Rev C Unit 6-24 Roof Plan;
- (A1) DrNo 2960_L_110 Unit 6-24 Elevations;

(c) Before the proposal hereby permitted is occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times;

(d) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the proposal is first occupied and thereafter maintained at all times;

(e) The area allocated for parking and turning on the submitted plan, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;

(f) Prior to the commencement of the development, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan shall include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures shall continue to be implemented as long as any part of the development is occupied;

(g) No development, excluding site works, shall begin until a panel of the proposed materials measuring at least 1m x 1m has been built on the site and 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;

(h) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the

positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (i) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (j) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination;

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to, the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority;

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

- (k) Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development;

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the applicant to enable the grant of planning permission.)

6. Erection of 5 No affordable housing dwellings on land known as area F, Firepool Lock, Taunton (38/13/0076)

Reported this application.

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

- (a) 25% Affordable Housing to be provided on-site;
(b) A contribution towards the provision of off-site children's play or on-site provision with long term maintenance and management agreements;

The Assistant Director for Planning and Environment 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 2960_PL_02 Rev A Location Plan;
 - (A1) DrNo 2960_L_011 Proposed Layout Plan;
 - (A1) DrNo 2960_L_051 Unit 1-5 Ground & First Floor Plan;
 - (A1) DrNo 2960_L_111 Unit 1-5 Elevations;
- (c) Before the proposal hereby permitted is occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times;
- (d) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the proposal is first occupied and thereafter maintained at all times;
- (e) The area allocated for parking and turning on the submitted plan, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (f) Prior to the commencement of the development, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan shall include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures shall continue to be implemented as long as any part of the development is occupied;
- (g) No development, excluding site works, shall begin until a panel of the proposed materials measuring at least 1m x 1m has been built on the site and 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;
- (h) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (i) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (j) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to;
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority;

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above);

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

- (k) Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development;

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

7. Demolition of buildings and the erection of 66 No flexible living retirement flats and 12 No assisted living flats for people with learning difficulties (class C2 usage) and associated works at Parmin Close, Taunton 38/14/0355

Noted that this application had been withdrawn.

8. Installation of 5MW solar farm and associated infrastructure at land east of Montys Farm, Norton Fitzwarren (25/14/0028)

Reported this application.

Resolved that subject to the submission of further information regarding the archaeological potential of the site and the receipt of no ongoing objection from the County Archaeologist;

The Assistant Director for Planning and Environment 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:-

- (A0) DrNo CW_XXXX_031 Plant Site;
- (A0) DrNo CW_XXXX_031 Restriction and Constaint Plan;
- (A3) DrNo CW_XXXX_031 Location Plan;
- (AO)DrNo ME_XXXX_031 Location Plan;
- (A3) DrNo S.L.P. Site and Location Plan;
- (A3) DrNo PL/Array Elev Elevations of Arrays;
- (A3) DrNo PL/DNO DETAILS/01 DNO Station Details;
- (A3) DrNo PL/Array Layout And Grid Con./01;
- (A3) DrNo Rev C Switch Gear Kiosk & Base Design General Arrangment;
- (A3) DrNo WPD Building;
- (A3) DrNo A3 TBC GA Sales Drawing;
- (A1) DrNo PL/Array Section/-01;
- (A1) Fence Details;
- (A1) PV Array, Plant and Camera Layout Plan;
- (A1) Restrictions and Constraints Plan;

(c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production;

(d) The site operator shall inform the Local Planning Authority within 5 days of being brought into use that the site is operational and producing electricity;

(e) No development shall commence until the public footpaths within the application site have been diverted onto the proposed route shown on drawing PL/RESTRICT & CONTSTRAINTS/01 and the new routes are fully open and available for public use;

(f) The development hereby permitted shall not be commenced until details of a strategy to protect and accommodate wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of the Magnificent Science Company's Extended Phase 1 Habitat Survey Report dated June 2014 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
3. 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 and thereafter the new habitat and resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new habitats and related accesses have been fully implemented;

- (g) (i) Before any part of the development hereby permitted 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. The scheme shall show the hedgerows and trees to be retained and the method of protection during the construction phase. The scheme shall be based on the "Planting Recommendations, revised issue 3rd December 2014" prepared by The Magnificent Science Company;
- (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;
- (h) Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. It shall include proposals for the ongoing management of hedgerows and landscaped areas over the lifetime of the permission hereby granted. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase;
- (i) Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the containers, substations, customer MV station and inverter housing hereby permitted shall have 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;

- (j) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within 3 months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority;
- (k) No development shall commence until a detailed surface water drainage strategy has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority;
- (l) No development shall commence until a pollution management plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include an assessment of the likely impacts of pollution during the construction and operation of the development to surface waters and groundwater abstraction sources. Where risks are identified through the assessment, appropriate mitigation measures shall be identified. The development shall be carried out and maintained in strict accordance with the approved plan;
- (m) Prior to their installation, full details of the proposed perimeter fencing and CCTV cameras shall be submitted to, and approved in writing by, the Local Planning Authority. The fencing shall be erected and thereafter maintained as such in accordance with such approved details;
- (n) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. 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 writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase;
- (o) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, fences, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission;

- (p) No external artificial lighting shall be installed on the site;
- (q) No development shall commence unless a Construction Traffic Management Plan had been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan unless any variation was approved in writing by the Local Planning Authority. The plan shall include;
- Construction vehicle movements;
 - Construction vehicular routes to and from site;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- (r) There shall be no construction activity on the site other than between the hours of:

08.30 and 17.00 Monday to Friday
08.30 and 12.30 Saturdays

Unless otherwise agreed in writing by the Local Planning Authority.

9. E/0073/46/12 – Holiday lets allegedly occupied by long term tenants at Gerbestone Lodges, Gerbestone Lane, West Buckland

Reported that a complaint had been received that the four constructed lodges at Gerbestone Lodges, Gerbestone Lane, West Buckland were being occupied on a full time/ permanent basis and the occupants were not holiday makers. This was in contravention of the condition 02 of permission 46/08/0022.

Planning permission for 8 holiday lodges was granted by two separate permissions (4 each) in 2004 and 2005. To date only four had been built, three from one permission and one from the other. Planning Contravention Notices were served on each occupied Lodge and the information received back clearly showed that the units were indeed being occupied on a permanent basis. This meant that the occupancy condition was not being complied with.

The owner had been contacted and an application was submitted to vary the condition attached to the 2008 permission. This application (46/14/0029) was refused under delegated powers on 12/11/2014.

Resolved that:-

- (1) An enforcement notice be served requiring the cessation of residential occupation of the Holiday Lodges in contravention of the condition 02 of permission 46/08/0022;

(2) Any enforcement notice served should have 6 months compliance period;
and

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

10. Appeals

Reported that one appeal was received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 8.45 p.m.)