

Planning Committee – 4 July 2007

Present:- Councillor Mrs Hill (Chairman)
Councillors Bishop, Bowrah, Floyd, Henley, C Hill, House,
Miss James, McMahon, Mrs Smith, Stuart-Thorn, Watson,
Ms Webber and D Wedderkopp

Officers:- Mr T Burton (Development Manager), Mr J Hamer, (Development
Control Area Manager – West), Mr G Clifford (Development Control
Area Manager – East), Mr A Pick (Principal Planning Officer),
Mrs J Moore (Development Control Principal Officer – East),
Mrs J M Jackson (Senior Solicitor), Ms M Casey (Planning and
Litigation Solicitor) and Mr R Bryant (Democratic Support Manager)

Also present:- Councillors Brooks and Coles and Councillor Horsley in relation to
application Nos 38/2007/183 and 184.

(The meeting commenced at 5.05 pm. The start of the meeting was delayed to allow
Members of the Committee to consider the information contained within the
amendment sheet, particularly with regard to application Nos 38/2007/183 and 184.)

82. Apologies/Substitution

Apologies:- The Vice-Chairman (Councillor Mrs Allgrove) and Councillors
Denington, A Wedderkopp and Woolley.

Substitution:- Councillor Stuart-Thorn for Denington.

83. Minutes

The minutes of the meeting held on 13 June 2007 were taken as read and
were signed.

84. Applications for Planning Permission

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

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

21/2007/007

Siting of temporary agricultural workers dwelling, Dean Barton, south of Langford Budville GR111226, Langford Budville

Conditions

- (a) The permission hereby granted shall be for a limited period expiring on 7 July 2010, on or before which date the temporary dwelling shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to, and approved in writing by, the Local Planning Authority or at such time that the poultry enterprise ceases or there is no longer a clear functional requirement for a mobile home on the site;
- (b) C401 – agricultural tying condition;
- (c) Plans showing a parking area providing for two vehicles, shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (d) C201 – landscaping;
- (e) Foul drainage shall be dealt with by a package sewage treatment plant which shall be sited so as not to cause pollution of any watercourse or water sources. Details of this treatment plant and its siting and of the necessary percolation system shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The development shall be carried out in accordance with those approved details.
(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised to contact the Environment Agency to discuss the requirements of the package sewage treatment plant.)

Reason for granting planning permission:-

The justification submitted for a temporary workers dwelling for an agricultural worker was considered acceptable and would not detract from the visual or residential amenity of the area. The scheme therefore accorded was Taunton Deane Local Plan Policies S1, S2, S7, H12 and EN12 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Policy 5.

24/2007/028LB

Conversion of barn incorporating attached redundant agricultural building to dwelling at The Cider Barn, Knapp Farm, North Curry

Conditions

- (a) C002B – time limit – listed building;
- (b) C101 – materials;
- (c) C601 – schedule of works to ensure safety and stability of structure;
- (d) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber, without the express written consent of the Local Planning Authority to the use of a different material;
- (e) C664 – windows recessed;
- (f) Prior to the commencement of the works for which consent is hereby granted, a schedule of repairs shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) Prior to the commissioning, specific details of all new windows, doors (external and internal), staircase, railings to external steps, venting of recovered roofs and enclosed baths and finished treatment for timberwork shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) The existing vehicular accesses to the site shall be stopped up, their use permanently abandoned and the verge/footway crossing reinstated in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be completed within one month of the new vehicular access hereby approved being first brought into use;
- (i) Prior to the commencement of works on site, full details of the proposed railings along the external landing and stairway shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) Before any part of the permitted development is commenced, details of a new hedge along the south-east boundary of the site (except at the point of access) shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall be carried out within the first available planting season from the date of commencement of the development;
- (k) Prior to the commencement of works on site, details of the materials for the hard surfacing of the access, driveway and parking area, shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) Prior to the occupation of the dwelling hereby permitted, the post and rail fences shown along the south-eastern boundary shall be erected on site and maintained thereafter.

Reason for granting listed building consent:-

The proposed development was considered sympathetic and would not harm the integrity or character of the barn or harm the visual or residential amenities of the area. The proposal did not therefore conflict with Taunton Deane Local Plan Policies S1, S2, EN4, EN5, EN16, EN17 and H7 and material considerations did not indicate otherwise.

24/2007/029

Conversion of barn incorporating attached redundant agricultural building to dwelling at The Cider Barn, Knapp Farm, North Curry

Conditions

- (a) C001A – time limit;
- (b) C927 – contaminated land - barns/small sites;
- (c) C101 – materials;
- (d) C201 – landscaping;
- (e) C205 – hard landscaping;
- (f) C215 – walls and fences;
- (g) Prior to the occupation of the dwelling hereby permitted, the post and rail fences, shown along the south-eastern boundary, shall be erected on site and maintained thereafter;
- (h) Prior to the occupation of the barn, the access, drive and parking area shall be fully provided and shall, thereafter, be maintained;
- (i) Prior to the commencement of works on site, details of the materials for the hard-surfacing of the access, driveway and parking area shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) C601 – schedule of works to ensure safety and stability of structure;
- (k) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber, without the express written consent of the Local Planning Authority to the use of a different material;
- (l) Detailed proposals for the disposal of foul and surface water shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of development. The agreed details shall be fully implemented before the building is occupied;
- (m) P003 – no ancillary buildings;
- (n) P010 – no further windows;
- (o) C416 – details of size, position and materials of meter boxes;
- (p) Work shall be carried out in accordance with the recommendations of Country Contracts' submitted wildlife survey dated April 2007 and shall not be commenced until details of a scheme for the provision of a bat box on the south or

south-west wall of the development hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out strictly in accordance with the approved scheme and thereafter, the bat box and its opening shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bat box has been fully implemented.

(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that as a septic tank is to be used to dispose of foul sewerage, percolation tests should be carried out to ascertain the required lengths of the sub-surface irrigation drainage. Contact should be made with the Environment Agency to ensure that the appropriate consent has been sought to discharge; (3) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should therefore ensure that any activity undertaken on the application site must comply with the appropriate wildlife legislation; (4) Applicant was advised that whilst there are no records of the property being used by bats, it is possible that the building could accommodate bats in the wall cavities and the tops of the walls; (5) Applicant was advised that contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 and under European legislation and the contractors must be appropriately briefed on the potential bat presence. Should a bat or bats be encountered while work is being carried out on the property, work should cease immediately and advice be sought from Natural England; (6) Applicant was advised that during construction work, care should be taken when roof tiles or slates are removed to ensure there are no bats on the underside. As a further precaution, undertaking roof work during the months of March to May or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance; (7) Applicant was advised that the Wildlife and Countryside Act 1981 makes it an offence to intentionally disturb a nest of any wild bird whilst it is in use or in the process of being built. If buildings are being used by nesting birds, the applicant should be aware of the legal protection provided to them and to time the proposed works to avoid the nesting season. Some rarer birds, for example, barn owls, have a greater level of protection under the Act and are protected from disturbance at all times of the year.)

Reason for granting planning permission:-

The proposed development was considered sympathetic and would not harm the integrity or character of the barn or harm the visual or residential amenities of the area. The proposal did not therefore conflict with Taunton Deane Local Plan Policies S1, S2, EN4, EN5,

EN16, EN17 and H7 and material considerations did not indicate otherwise.

37/2007/002

Erection of temporary office building, greenhouse and polytunnels and formation of access road to plant nursery adjacent to Highfields, Stoke Road, Taunton

Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) The temporary office building hereby permitted shall be removed and the land restored to its former condition on or before 31 July 2017;
- (d) Details of any internal lighting to glasshouses and polytunnels as well as security lighting shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation.
(Note to applicant:- Applicant's attention is drawn to the landscaping condition on the previous permission which needs to be complied with.)

Reason for granting planning permission:-

The proposal was considered to be an acceptable use in this location and not to harm the amenities of the area and complied with Taunton Deane Local Plan Policies S1, S2, EC2 and EC7.

42/2007/010

Formation of access, hardstanding and farm track on land at Kibbear, Trull

Conditions

- (a) C001A – time limit;
- (b) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 160m to the north and 120m to the south of the access to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before the modified access is brought into use and shall thereafter be maintained at all times;
- (c) The proposed access over the first 10m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (d) Any entrance gates erected shall be hung to open inwards and set back a minimum distance of 10m from the carriageway edge;
- (e) The gradient of the new access shall not be greater than 1:10;

- (f) 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.
(Note to applicant:- (1) N061A – Highways Act – Section 184 permit.)

Reason for granting planning permission:-

The proposal was considered not to have a significant detrimental impact on the character of the area and was therefore considered acceptable and accordingly did not conflict with Taunton Deane Local Plan Policies EN6 and EN12.

85. Residential development of former gas storage site including new site access, car parking and associated works at the former gas storage site, Tangier, Castle Street, Taunton (38/2007/183)

Reported this application.

RESOLVED that subject to:-

- (1) the receipt of acceptable comments from the consultees on the submitted archaeological report, biodiversity report, environmental management plan and construction management plan and any necessary amendments to the scheme;
- (2) the receipt of a revised flood assessment and a sequential test for site selection;
- (3) the receipt of satisfactory details of the sustainability measures to be included within the development;
- (4) the applicants entering into a supplementary Section 106 Agreement by 24 July 2007 to cover education, leisure and recreation contributions, provision of public access to the footpath link adjacent to the development and the footbridge over the River Tone, increased highway contributions and the provision of affordable housing (all levels of payment to be on a pro-rata basis from the existing Section 106 Agreement); and
- (5) the addition of any further appropriate conditions as a result of the responses received from consultees, the Development Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-
 - (a) Prior to its installation on site and notwithstanding the agreed lighting strategy plan submitted on 4 July 2007, the full details of the proposed lighting including details of the method of lighting, levels of illumination and hours of illumination shall be submitted to,

and approved in writing by, the Local Planning Authority. The lighting shall be installed in strict accordance with the approved details and no lighting other than that approved above shall be installed on the site without the prior consent of the Local Planning Authority;

- (b) Prior to the commencement of works on site, details of the phasing of the development of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include timings of construction works, highway provision, contaminated land remediation, flood defence works, provision of compensatory flood storage, hard and soft landscaping and mitigation works for protected species. The proposed scheme shall not proceed other than in accordance with the agreed phasing schedule;
- (c) Prior to the commencement of development works on site, full details of the proposed glazing of the flats and hallways facing onto the River Tone shall be submitted to, and approved in writing by, the Local Planning Authority. Such glazing shall seek to minimise any spillage of light outside of the blocks that may otherwise have a detrimental impact on the protected species and environment of the River Tone and its banks;
- (d) Notwithstanding the submitted details, prior to the commencement of any construction works, the applicant shall examine the premises/land and identify what detailed 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 Local Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details shall be agreed in writing by the Local 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;
- (e) C926B - remediation investigation/certificate;
- (f) No occupation shall commence on the proposed development site until the footway/cycleway bridge (across the River Tone) has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority;
- (g) The layout required to be submitted under the terms of this permission, shall be so designed as to enable the comprehensive development of the land the subject of this application and the land adjoining and to the south-west, south and south-east (Third Way Inner Relief Road and Tangier);
- (h) No work shall commence on the proposed development until the horizontal and vertical alignment and levels have been agreed in writing by the Local Planning Authority and have been carried out in accordance with a design and specification to comply with the approved planning permission and design for the Inner Relief Road

(Third Way) and has been implemented to the satisfaction of the said Authority;

- (i) Prior to any construction work on site, a layout shall be submitted to make adequate provision for a temporary car park within the site to accommodate operatives and construction vehicles during the contract period and shall indicate the eventual use of that area;
- (j) Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the development first being brought into use;
- (l) Before the access hereby permitted is first brought into use, the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
- (m) At the proposed access, there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan, drawing No.060215SK03. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (n) There shall be no obstruction to visibility greater than 300mm within splays measuring 2.4m x 25m at the junction of the proposed access road with Tangier. Such visibility splays shall be fully provided before works commence on the erection of any of the dwellings hereby permitted and shall thereafter be maintained at all times;
- (o) (i) Notwithstanding the submitted landscaping details, full details of the proposed near side planting, phasing, maintenance and future management shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The landscaping shall be provided on site in accordance with the approved details and thereafter maintained in strict accordance with the landscape management plan and no trees, shrubs or plants shall be removed or pruned unless in accordance with the landscape management plan or as agreed in writing with the Local Planning Authority prior to any such works taking place;
- (p) Notwithstanding the submitted brick details, the Local Planning Authority requires full details of the proposed brick, including a sample panel on site, to be submitted to, and approved in writing by, the Local Planning Authority;
- (q) Notwithstanding the cycle parking shown on the submitted plans, a detailed cycle parking plan for 225 cycle parking spaces shall be submitted to, and approved in writing by, the Local Planning Authority;

- (r) All construction work and workers on site shall conform to the details contained within the submitted Construction Management Plan at all times, unless prior written approval is first obtained to any variation from the Local Planning Authority;
- (s) Any artificial lighting of the site shall be illuminated between the hours of dawn to dusk only unless prior written approval is first obtained to any variation from the Local Planning Authority;
- (t) The riverside corridor works shall be constructed in strict accordance with the details submitted within the Biodiversity Management Plan prior to the erection of the building hereby permitted and shall thereafter be maintained in strict accordance with a further detailed Management Plan that shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of any of the units hereby permitted. All works to be maintained thereafter in accordance with the agreed Management Plan unless a variation is agreed beforehand in writing by the Local Planning Authority. The Management Plan must include a schedule for monitoring of the biodiversity mitigation measures and a strategy for any further mitigation/remediation works which shall first be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented for a period of two years following completion of the development;
- (u) Within one week prior to the commencement of construction works on each phase of the development, including flood defence measures and hardstanding, additional 'pre-construction' surveys shall be undertaken in accordance with the details of the Biodiversity Management Plan and, if any protected species are present, work in that area shall cease and the developer shall notify Natural England and the Local Planning Authority in writing within three days. No further work shall be undertaken on that phase of construction until the Local Planning Authority, in consultation with Natural England, have determined the impact on the protected species and have agreed a programme of mitigation measures or alteration to the agreed scheme that may be necessary as to ensure the impact of the development on the protected species is acceptable.

(Notes to Applicant:- (1) NO48A – ground contamination; (2) Applicant was advised that it is essential that this approval is read in conjunction with the planning permission issued on the 'outline' application originally submitted in connection with the proposal and any conditions upon which such permission was granted must be strictly observed; (3) Applicant was advised that full details of the construction of the footbridge landing at French Weir and the footpath connections to the existing pathways within the park must be submitted for approval in accordance with the requirements of the Leisure Development Manager; (4) With regard to condition (e), applicant was advised that an updated Contaminated Land Report will be required to assess the impact of any changes to the proposed development that may impact on the remediation of the site; (5) Applicant was advised that the conditions on the outline

application 38/2002/114 must be complied with and a copy of that certificate is attached; (6) Applicant was advised that the Local Planning Authority is unlikely to accept the use of Alder within the landscaping plan as it is known to be vulnerable to disease and should be avoided.)

Reason for approving detailed plans, if granted:-

The proposed development would enable the provision of housing and infrastructure in accordance with the Somerset and Exmoor National Park Joint Structure Plan Policies STR1 and STR4, Policies 35 and 55 and Taunton Deane Local Plan Policies S1, S2, H2, T2 EN5, EN3 and M4.

86. Residential development of 44 senior units, including roof garden, car parking and associated works at former Gas Storage site, Castle Street, Taunton (38/2007/184)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of acceptable comments from the consultees on the submitted archaeological report, biodiversity report, environmental management plan and construction management plan and any necessary amendments to the scheme;
- (2) The receipt of a revised flood assessment and a sequential test for site selection;
- (3) The receipt of satisfactory details of the sustainability measures to be included within the development;
- (4) The applicant's entering into a supplementary Section 106 Agreement by 24 July 2007 to cover education, leisure and recreation contributions, provision of public access to the footpath link adjacent to and the footbridge over the River Tone, increased highway contributions and affordable housing (all levels of payment to be on a pro-rata basis from the existing Section 106 Agreement); and
- (5) the addition of any further appropriate conditions as a result of the responses received from consultees, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-
 - (a) C001A – time limit;
 - (b) Details of the phasing of all elements of the proposal shall be submitted to, and approved in writing by, the Local Planning Authority before development is commenced and no deviation from the approved phasing shall occur without the prior written approval of the Local Planning Authority;

- (c) A strategic footway/cycleway link along the south bank of the River Tone shall be formed across the site from east to west of the site in a landscaped setting in accordance with the approved plan, to the satisfaction of the Local Planning Authority within twelve months of the first occupation of any of the dwellings. Details of such link and a scheme for its maintenance shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any part of the development. Following the laying out of the link, it shall be maintained thereafter in accordance with the approved scheme;
- (d) C324 – parking;
- (e) C101 – materials;
- (f) Details and samples of the materials to be used for the surfaces of the drives, turning and parking areas shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (g) C240 – landscaping;
- (h) C215 – walls and fences;
- (i) C910B – archaeological programme;
- (j) C911 – aerials - combined system;
- (k) A strip of land 5m wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels within such a strip of land shall not be altered without the prior written consent of the Local Planning Authority. Details of the treatment of the riverbank within the site area shall be submitted to, and approved in writing by, the Local Planning Authority before any works commence;
- (l) Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year plus climate change flood plain shall be submitted to, and agreed in writing by, the Local Planning Authority. This route must be in place before any occupancy of the buildings;
- (m) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained;
- (n) The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage;
- (o) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at nearby premises:- Monday to Friday 0800-1800 hours; Saturdays 0800-1300 hours. All other times, including Public Holidays, no noisy working;
- (p) Flood warning notices shall be erected on the development site in numbers, positions and with wording all to be agreed with the

- Local Planning Authority. The notices shall be kept legible and clear of obstruction;
- (q) Development shall not commence until such time as the applicant has submitted to, and had approved in writing by, the Local Planning Authority an Emergency Evacuation Plan and Operation and Maintenance Manual for the flood mitigation measures;
 - (r) No development approved by this permission shall be commenced above ground level until a scheme for the provision and implementation of compensatory flood storage works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details and as articulated in Komex letter dated 2 November 2005, or by means of an alternative off-site solution submitted to, and approved in writing by, the Local Planning Authority.
 - (s) No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details as articulated in Komex letter dated 2 November 2005, or an alternative submitted to, and approved in writing by, the Local Planning Authority.
 - (t) Finished ground floor and first floor levels shall be set in accordance with the details contained on drawing No. 182102/LA/PL-107 Rev I received on 3 April 2007;
 - (u) Access points to the underground car park areas to be protected to a minimum level of 16.77m AOD;
 - (v) Prior to its installation on site and notwithstanding the agreed lighting strategy plan submitted on 4 July 2007, the full details of the proposed lighting including details of the method of lighting, levels of illumination and hours of illumination shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting shall be installed in strict accordance with the approved details and no lighting other than that approved above shall be installed on the site without the prior consent of the Local Planning Authority;
 - (w) Prior to the commencement of works on site, details of the phasing of the development of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include timings of construction works, highway provision, contaminated land remediation, flood defence works, provision of compensatory flood storage, hard and soft landscaping and mitigation works for protected species. The proposed scheme shall not proceed other than in accordance with the agreed phasing schedule;
 - (x) Prior to the commencement of development works on site, full details of the proposed glazing of the flats and hallways facing onto the River Tone shall be submitted to, and approved in

- writing by, the Local Planning Authority. Such glazing shall seek to minimise any spillage of light outside of the blocks that may otherwise have a detrimental impact on the protected species and environment of the River Tone and its banks;
- (y) Notwithstanding the submitted details, prior to the commencement of any construction works, the applicant shall examine the premises/land and identify what detailed 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 Local Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details shall be agreed in writing by the Local 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;
 - (z) C926B - remediation investigation/certificate;
 - (aa) No occupation shall commence on the proposed development site until the footway/cycleway bridge (across the River Tone) has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority;
 - (bb) The layout required to be submitted under the terms of this permission, shall be so designed as to enable the comprehensive development of the land the subject of this application and the land adjoining and to the south-west, south and south-east (Third Way Inner Relief Road and Tangier);
 - (cc) No work shall commence on the proposed development until the horizontal and vertical alignment and levels have been agreed in writing by the Local Planning Authority and have been carried out in accordance with a design and specification to comply with the approved planning permission and design for the Inner Relief Road (Third Way) and has been implemented to the satisfaction of the said Authority;
 - (dd) The layout to be submitted shall make adequate provision for a temporary car park within the site to accommodate operatives and construction vehicles during the contract period and shall indicate the eventual use of that area;
 - (ee) Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (ff) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the development first being brought into use;

- (gg) Before the access hereby permitted is first brought into use, the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
- (hh) At the proposed access, there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan, drawing No. 060215SK03. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (ii) There shall be no obstruction to visibility greater than 300mm within splays measuring 2.4m x 25m at the junction of the proposed access road with Tangier. Such visibility splays shall be fully provided before works commence on the erection of any of the dwellings hereby permitted and shall thereafter be maintained at all times;
- (jj) (i) Notwithstanding the submitted landscaping details, full details of the proposed near side planting, phasing, maintenance and future management shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The landscaping shall be provided on site in accordance with the approved details and thereafter maintained in strict accordance with the landscape management plan and no trees, shrubs or plants shall be removed or pruned unless in accordance with the landscape management plan or as agreed in writing with the Local Planning Authority prior to any such works taking place;
- (kk) Notwithstanding the submitted brick details, the Local Planning Authority requires full details of the proposed brick, including a sample panel on site, to be submitted to, and approved in writing by, the Local Planning Authority;
- (ll) Notwithstanding the cycle parking shown on the submitted plans, a detailed cycle parking plan for 225 cycle parking spaces shall be submitted to, and approved in writing by, the Local Planning Authority;
- (mm) All construction work and workers on site shall conform to the details contained within the submitted Construction Management Plan at all times, unless prior written approval is first obtained to any variation from the Local Planning Authority;
- (nn) Any artificial lighting of the site shall be illuminated between the hours of dawn to dusk only unless prior written approval is first obtained to any variation from the Local Planning Authority;
- (oo) The riverside corridor works shall be constructed in strict accordance with the details submitted within the Biodiversity Management Plan prior to the erection of the building hereby permitted and shall thereafter be maintained in strict accordance with a further detailed Management Plan that shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of any of the units hereby permitted. All works to be maintained thereafter in accordance with the agreed

Management Plan unless a variation is agreed beforehand in writing by the Local Planning Authority. The Management Plan must include a schedule for monitoring of the biodiversity mitigation measures and a strategy for any further mitigation/ remediation works which shall first be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented for a period of two years following completion of the development;

- (pp) Within one week prior to the commencement of construction works on each phase of the development, including flood defence measures and hardstanding, additional 'pre-construction' surveys shall be undertaken in accordance with the details of the Biodiversity Management Plan and, if any protected species are present, work in that area shall cease and the developer shall notify Natural England and the Local Planning Authority in writing within three days. No further work shall be undertaken on that phase of construction until the Local Planning Authority, in consultation with Natural England, have determined the impact on the protected species and have agreed a programme of mitigation measures or alteration to the agreed scheme that may be necessary as to ensure the impact of the development on the protected species is acceptable.

(Notes to Applicant:- (1) NO48A – ground contamination; (2) Applicant was advised that it is essential that this approval is read in conjunction with the planning permission issued on the 'outline' application originally submitted in connection with the proposal and any conditions upon which such permission was granted must be strictly observed; (3) Applicant was advised that full details of the construction of the footbridge landing at French Weir and the footpath connections to the existing pathways within the park must be submitted for approval in accordance with the requirements of the Leisure Development Manager; (4) With regard to condition (y), applicant was advised that an updated Contaminated Land Report will be required to assess the impact of any changes to the proposed development that may impact on the remediation of the site; (5) Applicant was advised that the conditions on the outline application 38/2002/114 must be complied with and a copy of that certificate is attached; (6) Applicant was advised that the Local Planning Authority is unlikely to accept the use of Alder within the landscaping plan as it is known to be vulnerable to disease and should be avoided.)

Reason for planning permission, if granted:-

The proposed development would enable the provision of housing and infrastructure in accordance with the Somerset and Exmoor National Park Joint Structure Plan Policies STR1 and STR4, Policies 35 and 55 and Taunton Deane Local Plan Policies S1, S2, H2, T2 EN5, EN3 and M4.

87. **Erection of Medical Centre with attached services, including car park, external works and landscaping and formation of access to Mantle**

Street, land south and west of 112B Mantle Street (part of Trinity Farm), Wellington (43/2007/026).

Reference Minute No. 67/2007, reported that the Government Office for the South West had confirmed that the Secretary of State had concluded that there was not sufficient conflict with National Planning Policies, or any other sufficient reason, to warrant calling in the application for her own determination. The decision on whether or not to grant planning permission in this case would therefore remain with the Local Planning Authority.

Noted that Wessex Water had confirmed that there was sufficient capacity in the Mantle Street sewers for the foul and surface water drainage from the proposed development.

Further reported that one additional letter raising new issues had been received during the consultation period which ended on 5 June 2007.

Submitted details of the new issues raised together with the Development Managers responses thereto. It was not considered that the amended proposal would result in any further detriment to the amenity of the objector compared to the previous plans.

RESOLVED that planning permission be granted in respect of planning application 43/2007/026 subject to the conditions set out in Minute No. 67 of the Planning Committee held on 23 May 2007.

88. Planning (Listed Buildings and Conservation Areas) Act 1990 – Building Preservation Notice relating to Corfe Farmhouse, Corfe

Reported that the historic significance of Corfe Farmhouse had been confirmed following internal access, requested as a result of pre-application discussions for conversion of its out buildings and development of adjacent land which had been allocated in the Taunton Deane Local Plan.

The owner of the farmhouse had been advised of its importance and made aware of the possibility that if the farmhouse and its out buildings were listed, any new development would need to respect the setting of the listed buildings.

As submission of applications was imminent, the Chairman of the Committee had agreed to the service of a Building Preservation Notice which was served on 14 June 2007.

Reported that service of the Building Preservation Notice meant that Corfe Farmhouse and its outbuildings would be subject to the controls applicable to listed buildings for six months during which time the Secretary of State for Culture, Media and Sport had to decide whether or not to add the property to the Statutory List of Buildings of Special Architectural or Historic Interest.

RESOLVED that the action taken by the Development Manger, in consultation with the Chairman, to serve a Building Preservation Notice in respect of Corfe Farmhouse, Corfe be endorsed.

89. **Conversion of part of barn at Chestnut Farm, Helland, North Curry, not in accordance with the approved plans.**

Reported that it had come to the Council's attention that part of a barn being converted at Chestnut Farm, Helland, North Curry did not comply with the approved plans. The plane of the roof had been altered from an asymmetric roof, as approved, to a gabled roof. This had been achieved by raising the front wall by four courses of bricks. The new roof of the single storey section had changed the overall appearance of the barn.

RESOLVED that:-

- (1) Enforcement action be taken to secure the alteration to the roof of the lower section of barn at Chestnut Farm, Helland, North Curry to that approved;
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

(The meeting ended at 7.03pm).