

Planning Committee – 18 November 2009

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Bowrah, Brooks, Mrs Copley, Critchard,
Denington, Mrs Floyd, C Hill, House, Miss James, McMahon and
D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr J Hamer
(Development Control Area Manager, West), Mr M Bale (Principal
Planning Officer), Mr G Clifford (Area Planning Manager, South), Mr A
Pick (Principal Planning Officer, West), Mrs J Jackson (Legal Services
Manager), Ms M Casey (Planning and Litigation Solicitor) and Mr R
Bryant (Democratic Services Manager)

Also present: Councillors Coles and Court, Govier (in relation to application No
43/09/0082) and Williams (in relation to application No 19/09/0007LB)

(The meeting commenced at 5.00 pm)

118. Apologies

Apologies: Councillors Ms Durdan and Watson.

119. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. The Chairman (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 Coles declared a personal interest as a Director of Southwest One. Councillors Bowrah, Critchard and Mrs Copley declared personal interests as Members of Wellington Town Council. Councillor Govier declared personal interests both as a Member of Somerset County Council and Wellington Town Council

120. Applications for Planning Permission

The Committee received the report of the Growth and 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:-

10/09/0024

**Erection of agricultural storage shed at Vencroft Farm, Churchstanton
(retrospective - resubmission of 10/08/0023)**

Conditions

- (a) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of the commencement of development.
- (ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (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.

Reason for granting planning permission:-

The proposal was considered not to harm the landscape character of the Area of Outstanding Natural Beauty and would not harm neither visual nor residential amenity. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions to dwellings) and EN10 (Areas of Outstanding Natural Beauty).

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

The Committee considered that the building was not out of place in its current setting and that local views had indicated that flooding was unlikely to be an issue.

21/09/0020

Erection of a dwelling in the garden of 5 Swifts, Langford Budville (resubmission of 21/08/0029)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (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) Prior to the commencement of the development hereby permitted a visibility splay shall be provided to the north-east of the proposed access such that there is no obstruction to visibility greater than 900mm above the adjoining carriageway level in the area coloured green on the attached plan unless otherwise agreed in writing by the Local Planning Authority. The visibility splay once constructed shall be thereafter maintained as such, being permanently kept free from obstruction;

- (d) Prior to the commencement of the development hereby permitted, full details of the proposed retaining wall including finishes, height and location (to accord with condition (c) above) together with details of the finish for the area between the retaining wall and the back of the footway. The wall shall be constructed prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such;
- (e) Prior to the commencement of the development hereby permitted, full details of the proposed site levels and finished floor levels of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and shall thereafter be maintained as such;
- (f) 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 or roof alterations shall be carried out to the dwelling hereby permitted and no fences, gates, walls or other means of enclosure shall be constructed on or around the site other than that expressly authorised by this permission without the further grant of planning permission.

Reason for granting planning permission:-

The proposed development provided sufficient amenity space and the site was adequate for the size of dwelling proposed. The proposed dwelling did not dominate the street scene, was compatible with the surrounding area and did not completely mask views of the church. The character and appearance of the Conservation Area and setting of nearby listed buildings was preserved and the development therefore accorded with Policies S1, S2 and EN14 of the Taunton Deane Local Plan, Policy 9 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The Committee was of the view that the proposed dwelling was of a suitable size to be accommodated on the site, there was sufficient amenity space, the proposal did not dominate the street scene and that the views from the churchyard would not be masked by the development.

27/09/0020REX

Erection of a horticultural nursery to include poly tunnel and construction of access at land south of Harris's Farm, Hillcommon (to replace extant permission 27/06/0015)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the

building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority;

- (c) (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority;
- (d) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (e) Details of arrangements to be made for the prevention of surface water being discharged onto the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall be provided before the proposed access is brought into use;
- (f) Prior to commencement of the development hereby approved, details of any entrance gates to be erected shall be submitted to, and approved in writing by, the Local Planning Authority and retained as such thereafter. Any such gates shall be hung to open inwards and shall be set back a minimum of 10m from the carriageway edge;
- (g) The existing access shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced;
- (h) The visibility splays shown on the submitted plan 18274/001/SK01/A shall be constructed prior to the commencement of the use of the premises and unobstructed visibility shall be provided above a height of 300 mm from adjoining carriageway level and thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) Before any work is commenced, details of the levels and construction details of the access and driveway shall be submitted to, and approved in writing by, the Local Planning Authority and no variation from the approved levels shall take place without the express written consent of the Local Planning Authority;
- (j) Prior to the new access and drive being brought into use, it shall be hard surfaced in tarmac or such other material as shall be agreed in writing by the Local Planning Authority for a distance of 10m back from the edge of the carriageway;
- (k) Prior to commencement of works on site, a full wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey

and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;

- (l) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
- (m) No external lighting shall be installed on site without the prior written consent of the Local Planning Authority;
- (n) The development hereby approved shall only be used for nursery/ horticultural purposes only as described in the applicants e-mail dated 29 September 2006;
- (o) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no additional floors, including mezzanine floors shall be erected in the development hereby approved without the express grant of planning permission unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that any alteration to the footpath, route or surface, must be authorised by the County Council. The path must remain open and unobstructed at all times; (3) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.)

Reason for granting planning permission:-

There had been no significant change in policy guidance or material considerations since the previous permission was granted on the 12 October 2006, reference No 27/06/0015. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable. The proposal accorded with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

38/09/0324

Erection of 2 semi-detached houses on land between 2A and 3 Burns Road, Taunton (resubmission of 38/09/0241)

Conditions

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

- (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 access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access;
 - (d) Before the building hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel). It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling;
 - (e) Before any part of the development hereby permitted is commenced, there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall thereafter be maintained at all times;
 - (f) The area allocated for parking on submitted drawing No 09009 L 01 02 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the existing dwelling, No. 3 Burns Road and the dwellings hereby permitted;
 - (g) 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;
 - (h) The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m;
 - (i) All services shall be placed underground;
 - (j) 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, other alterations (including balconies, windows) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
 - (k) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
 - (l) None of the dwellings shall be occupied until works for the disposal of surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
 - (m) Prior to the commencement of development, details of the bin stores shall be submitted and agreed in writing with the Local Planning Authority.
- (Notes to applicant:- (1) With reference to Condition (l), applicant was informed that any soakaways should be constructed in accordance with

British Research Digest 365 (September 1991). Should porosity tests show that ground conditions are unfavourable then a suitably sized retention tank incorporating an outflow limiting device should be used; (2) Applicant was advised to contact the Council's Housing Property Manager and the Assets Holding Manager prior to the commencement of development to seek any necessary consents as the land is former Taunton Deane land; (3) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highways Office, Burton Place, Taunton. Application for such a permit should be made at least four weeks before access works are intended to commence; (4) Applicant was advised that it will be necessary for the developer to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows. The applicant should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.)

Reason for granting planning permission:-

The proposed dwellings had been designed to be in keeping with surrounding properties and to avoid harm to the street scene and the residential amenities of nearby dwellings. Sufficient car parking was provided, in view of the close proximity of the town centre and the proposal was not considered to result in detriment to highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements) and S2 (Design) of the Taunton Deane Local Plan.

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

08/09/0010

Erection of single storey dwelling on land to the north of the former Maidenbrook Farmhouse, Cheddon Fitzpaine

Reasons

(a) The proposed dwelling by reason of its juxtaposition with the A3259, the adjacent farmhouse and barn conversions would be out of keeping with the character of the area and detrimental to the setting of the listed building. Furthermore there is no evidence of any previous buildings on this land and therefore no historic justification for the resultant intrusion and harm to the setting of the listed farmhouse. The proposal is therefore considered to be contrary to Taunton Deane Local Plan saved Policies

S1(D) and S2(A), Somerset and Exmoor National Park Joint Structure Plan Policy 9 and Planning Policy Guidance Note 15 Planning and the Historic Environment, and Section 6.6 (1) of the Planning (Listed Building and Conservation Areas) Act 1990;

- (b) The proposed dwelling would be located on land considered to be important to maintain the rural character of the transition zone between the developed land to the south and the open countryside to the north of the A3259 and it is considered that the proposed dwelling would result in an urbanisation of the area out of keeping with and detrimental to the character and appearance of the area and contrary to Taunton Deane Local Plan Policies S1 (D) and S2 (A).

19/09/007LB

Erection of single storey extension to west elevation at Buttles Lodge, Village Road, Hatch Beauchamp

Reason

The proposal, by reason of the alterations to the classical, intact, principal facade, would have a significant, irretrievable and seriously detrimental impact on the character of this Grade II Listed Building without adequate justification. In addition, the proposed extension would unbalance the near symmetry of the extant building, hence compromising its compact composition, all of which is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and PPG15.

121. Demolition of nursery buildings and redevelopment to provide up to 113 dwellings, 3121 square metres of employment land Class B1 (non-office) and B8, open space, revised access and associated highway improvements at Rylands Nurseries and Sunnymead, Bagley Road, Rockwell Green, Wellington (43/09/0082)

Reported this application.

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

- (1) 30% of the development to be 'affordable housing' of which two thirds to be social rented and one third to be an intermediate 'rent-to-buy' product;
- (2) A contribution of £281,911 (£2,494.79 per dwelling) towards improvements to the capacity of Rockwell Green Primary School;
- (3) The provision of on-site play facilities catering for 0-17 year olds, plus a commuted sum for maintenance;
- (4) A contribution of £1,023 per dwelling towards off-site active recreation provision and sports pitches, to be spent within a 2 mile radius of the site;

- (5) A contribution of £30,000 towards improvements to Rockwell Green Village Hall or other community facilities within a 2 mile radius;
- (6) The developer to agree a travel plan and implement it, including a payment of £300 per dwelling towards a green travel voucher; and
- (7) The payment of £5000 towards improvements to the strategic cycling network within the vicinity of the development,

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

- (a) No development shall commence until approval of a Residential Phasing Scheme for the site has been obtained from the Local Planning Authority in writing and no development of any Phase shall commence until the details of the layout, scale, appearance and landscaping of the Phase (hereinafter called 'the reserved matters') have been obtained from the Local Planning Authority in writing. 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 in the case of the residential development and five years from the date of this permission in the case of employment development. 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 employment buildings shall be limited to uses within Classes B1 (b) and (c) and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose;
- (c) Prior to the occupation of 50% of the dwellings, Freehold Serviced Employment Land shall have been provided in accordance with details which shall have been agreed in writing by the Local Planning Authority prior to the commencement of the development. For the purpose of this permission, Freehold Serviced Employment Land means land that has the benefit of a junction to Bagley Road built to an adoptable standard and which extends into the site at least as far as the turning head indicated in the southwest corner of the site on drawing No CD926 SP 10 and that has been cleared and levelled ready for development and has adequate mains electricity/water/surface water drainage and foul drainage available to it at no cost unless otherwise agreed in writing by the Local Planning Authority;
- (d) The Freehold Serviced Employment Land required by condition (3) shall be marketed at market value in accordance with a marketing scheme that shall be agreed in writing by the Local Planning Authority prior to the commencement of the development of the Freehold Serviced Employment Land;
- (e) Noise from any part of the premises or land to which this permission refers shall not exceed background levels by more than 5 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the façade of any residential or

noise sensitive boundary - Monday-Friday 0800-1800; Saturday 0800-1300.

At all other times including Sundays and Public Holidays, noise emissions shall not be audible when measured at any point at the façade of any residential or noise sensitive boundary. Noise emissions having tonal characteristics, for example hum, drone or whine shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted 90th percentile level measured at an appropriate time of day and for a suitable period of not less than 10 minutes;

- (f) No dwellings shall be occupied until the pedestrian/cycle link has been formed from the site to Blackdown Road, as indicated in drawing No 19683/001/010/A and in accordance with further details that shall be submitted and approved in respect of condition (a);
- (g) No development shall be occupied until the works to the public highway indicated in Drawing Nos 19683/001/002 revision C and 19683/001/004 revision A submitted as part of the Transport Assessment have been completed, unless otherwise agreed in writing by the Local Planning Authority;
- (h) Prior to the occupation of any dwellings hereby permitted, a removable obstruction shall be installed and thereafter retained as such on the link between the development and Blackdown Road that can only be removed by the emergency services, such that access to the general public is only available via foot or cycle, in accordance with details that shall be submitted in accordance with condition (a);
- (i) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and agreed in writing before their construction begins, or as part of the details submitted in accordance with condition (a). For this purpose the details shall include plans and sections, indicating as appropriate the design, levels gradients, materials and method of construction;
- (j) The proposed estate roads, including 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 footpath and carriageway to at least base course level between the dwelling and the existing public highway;
- (k) Prior to the commencement of the development hereby permitted, full details of the treatment of the boundary between the site and Rylands Industrial Estate to the south and west shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed details shall be implemented prior to any development (except site clearance) taking place and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (l) 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 Sunflower Ecological Consultancy's submitted report, dated October 2008 and up to date surveys and include:- Details of protective measures to include method statements to avoid impacts on slow worms during all stages of development; Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; Measures for the enhancement of places of rest for wildlife.

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 and related accesses have been fully implemented;

- (m) No development hereby permitted shall take place until a surface water run-off limitation scheme has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the agreed programme and details;
- (n) No development other than the demolition of the existing buildings and site clearance, or that required to be carried out as part of an approved scheme of remediation, shall 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 4 has been complied with in relation to that contamination.

(a) Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. 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:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) 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;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, 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. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(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.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(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 condition 01, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 02, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 03.

(e) 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.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate

- the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11';
- (o) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submission required by condition (a). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority;
 - (p) Prior to the commencement of the development hereby permitted, the hedges and trees indicated as to be retained on plans submitted in accordance with condition (a) shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge or tree canopy and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered unless otherwise agreed in writing by the Local Planning Authority;
 - (q) The development shall provide public open space and a children's play area in accordance with details that shall be submitted in respect of condition (a). The areas shall be laid out prior to the occupation of 50% of the dwellings hereby permitted and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority;
 - (r) Prior to its installation, details of any street lighting or any exterior lighting to be installed around the industrial buildings shall be submitted to, and agreed in writing by, the Local Planning Authority. The details shall include the type of lighting, its position and hours of operation. The lighting shall be installed in accordance with the agreed details and the agreed hours of operation shall thereafter be strictly adhered to;
 - (s) The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term 'working' shall for the purposes of clarification of this condition include:- the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site.

(Notes to applicant:- (1) Applicant was advised that it is expected that the development will be laid out in accordance with drawing No CD926 SP 10 received 19 October 2009, which indicates the means of access hereby approved and the layout principles for the development; (2) Applicant was advised that the marketing strategy required by condition (d) is expected to demonstrate how the employment sites will be marketed and sold to individual businesses rather than sold as an entity to a speculative developer; (3) Applicant was reminded that condition (l) 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 should be 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 permission) must comply with the appropriate legislation; (4) Applicant was recommended to investigate and specify appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of run off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:- (a) Interception and reuse; (b) Porous paving/surfaces; (c) Infiltration techniques; (d) Detention/attenuation; and (e) Wetlands. A copy of the Environment Agency's leaflet on Sustainable Drainage Systems is available on request; (5) Applicant was advised that the surface water drainage required by condition (m) for the proposed development must meet the following criteria:- (a) Any outflow from the site must be limited to greenfield run-off; (b) The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume); (c) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing; (d) Adoption and maintenance of the drainage system must be addressed and stated. Details of the proposed methods to meet these criteria should be submitted in due course for the Environment Agency to recommend the relevant planning condition be discharged; (6) Applicant was advised that any culverting of a watercourse requires the prior written approval of the Environment Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings; (7) Applicant was advised that there must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively; (8) Applicant was advised that the Environment Agency would like the developer to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction; (9) Applicant was advised that in England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.)

Reasons for outline planning permission, if granted

The proposal provided for a mix of residential and employment development that helped to promote the self-containment of Rockwell Green and

Wellington in accordance with Policy B of the emerging Regional Spatial Strategy. It provided a good, well considered use for the existing previously used site, which was within a reasonable walking distance of local schools, shops and bus services. It was considered to be a sustainable development that would have an acceptable impact upon the local highway network, wildlife, local schools and open space, in accordance with Policies SD1, SD3, CSS, D, H3, CS1, SK1 and GI7 of the emerging Regional Spatial Strategy, Policies S1, S2, EN3, M1, M2, M3, M4, C1 and C4 of the Taunton Deane Local Plan, Policies STR1, STR4, 1 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 and 3.

122. Proposed development at Station Farm, Bishops Lydeard : Affordable Housing provision

Reference Minute Nos 49, 50, 51, 52 and 53/2008, reported that discussions had been continuing with regard to the content of the Section 106 Agreement relating to the applications for development at Station Farm, Bishops Lydeard which had been considered by the Committee on 21 May 2008.

The one outstanding item was in respect of the affordable housing contribution. The applicants had approached the Council requesting that the provision of affordable housing be reduced from the previously agreed 14 units (comprising rented, shared ownership units and low cost open market units) to 8 units to be provided through a Registered Social Landlord (RSL) for social rented or other such tenure as shall be agreed with Taunton Deane.

The proposals sought to bring about the expansion of facilities at the southern terminus of the West Somerset Railway, the provision of new tourist facilities, some employment and other leisure development and housing, both open market and affordable. The latter was incorporated in order to “enable” the other elements of the development to take place.

Progress on concluding the Section 106 Agreement had stalled due to the underlying financial viability, having regard to the cost of the facilities to be provided, the cost of substantial off-site road works (and other servicing) and a significant fall in value of residential development land.

The revised proposal with regard to affordable housing provision clearly made the scheme more commercially viable in the current economic climate and should enable the proposed development to come forward. The proportion of affordable units would still be in excess of 20%, which was a reasonable contribution given the cost of off-site highway works and less financially lucrative tourism and employment elements.

Noted that even with the proposed adjustment to the Section 106 Agreement requirements, it still had to be assumed that there had to be some increase in underlying residential land values in order to make the scheme deliverable. The proposed change would make this more probable over the next three years.

Resolved that the affordable housing provision for the development at Station Farm, Bishops Lydeard be reduced from the previously agreed 16 units to 8 units and the proposed Section 106 Agreement be amended accordingly.

123. Stationing of a mobile home on land at Bullockfield Hill, Stawley, Wellington

Reported that it had come to the Council's attention that an area of land at Bullockfield Hill, Stawley, Wellington was being used without planning permission to station a mobile home used for residential occupation.

Although the owner had submitted a planning application to use the mobile home in connection with a small holding, an agricultural appraisal had shown that full time occupation of the mobile home could not be justified. The application had therefore be withdrawn but the mobile home was still occupied.

Resolved that:-

- (i) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Bullockfield Hill, Stawley, Wellington; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

124. Erection of gates to cattery entrance at Four Winds, Upper Cheddon, Cheddon Fitzpaine

Reported that it had come to the Council's attention that a high fence and gates had been erected without planning permission at the entrance to Four Winds, Upper Cheddon, Cheddon Fitzpaine.

The owners of the property had been contacted and although a planning application had been submitted, it had subsequently been refused under delegated powers. Despite this, no action to remove the fence and gates had been taken.

Resolved that:-

- (i) Enforcement action be taken to remove the unauthorised high fence and gates which had been erected at the entrance to Four Winds, Upper Cheddon, Cheddon Fitzpaine; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

125. Stationing of a mobile home on land at Knapp Farm, Hillfarrance Road, Hillfarrance, Taunton

Reported that an area of land at Knapp Farm, Hillfarrance Road, Hillfarrance, was being used without planning permission to station a mobile home used for residential occupation.

The mobile home had been located on the land in connection with major refurbishment works that had been carried out to Knapp Farmhouse, the adjoining property, and had been occupied by a member of the owner's family.

However, the mobile home was currently occupied by persons unknown who appeared to have no connection with the owners of Knapp Farmhouse.

Resolved that:-

- (i) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Knapp Farm, Hillfarrance Road, Hillfarrance; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

126. Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton

Reported that a complaint had been received that it appeared the new development at Eastwick Farm, Eastwick Road, Taunton exceeded the boundary of the site and that a 1.8m high wooden fence had been erected on an area of land outside of the site.

This complaint had been investigated and it had been found that the works carried out, comprising of car parking spaces and bin storage together with the erection of a timber fence was unauthorised.

Resolved that:-

- (i) Enforcement action be taken to ensure compliance with the approved plans in respect of the development at Eastwick Farm, Eastwick Road, Taunton; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

127. Use of portable buildings on land at Gaia, Hillfarrance, Taunton

Reported that it had come to the Council's attention that an area of land south-west of Allerford Farm, Hillfarrance known as 'Gaia' was being used without planning permission to station a number of portable buildings used for residential occupation.

Resolved that:-

- (i) Enforcement action be taken to remove the unauthorised portable buildings being used for residential purposes on land at Gaia, Hillfarrance; and
- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

128. Provision of a raised decking area at 1 Trevett Road, Taunton

Reference Minute No. 65/2006, reported that despite an enforcement notice being served, a planning application being submitted which was refused and protracted discussions with the owners of 1 Trevett Road, Taunton, the unauthorised decking area was still in position.

Reported that at the most recent meeting with the owners, the removal of the structure to ensure compliance with the enforcement notice had been discussed. As the owners currently lived abroad, they had indicated that they would be content for the Council's contractors to remove the unauthorised structure. A charge would be placed on the property so that when it was sold, Taunton Deane would recoup the cost of such works.

Resolved that direct action to demolish and remove the unauthorised structure at 1 Trevett Road, Taunton be authorised.

129. Enforcement Action – Lower Fyfett Farmhouse, Otterford, Chard

Reference Minute No. 40/2008, reported that the enforcement notice served in respect of the change of use of agricultural land to form an access drive to Lower Fyfett Farmhouse, Otterford, Chard had not been complied with.

Accordingly, proceedings had been taken against the owners in the Magistrates' Court on 29 October 2009. The owners had pleaded guilty to the charge of failing to comply with the notice and had been fine £2,000 and ordered to pay £50 costs.

Resolved that the report be noted.

130. Appeals

Reported that two appeal decisions had recently been received, details of which were submitted. Both had been dismissed. One further appeal had been withdrawn.

Also reported that two new appeals had been lodged, details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 8.17 pm.)