

Planning Committee – 21 April 2010

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Brooks, Ms Court, Denington, Mrs Floyd, Hayward,
C Hill, House, Miss James, McMahon, Stuart-Thorn, Swaine and
D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching (Area
Planning Manager), Mr G Clifford (East Area Co-ordinator),
Mrs J Jackson (Legal Services Manager) and Ms M Casey (Planning
and Litigation Solicitor)

Also present: Councillor Prior-Sankey in connection with application No 38/10/0030
and Councillor Coles

(The meeting commenced at 5.00 pm)

40. Apologies/Substitution

Apologies: Councillors Ms Durdan and Watson
Substitution: Councillor Stuart-Thorn for Councillor Watson

41. Minutes

The minutes of the meeting of the Planning Committee held on 24 March
2010 were taken as read and were signed.

42. Declarations of Interest

Councillor Brooks declared a personal interest as a Member 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.

43. 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:-

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

34/10/0010

**Amended proposal to previous application 34/09/0037 for the erection of
a sun room at 3 Hillhead Cottages, Staplegrove**

Conditions

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

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

38/10/0030

Erection of 12 two storey dwelling houses with parking spaces at land to north of Poplar Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the submitted approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) The landscaping and planting schemes shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the 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;
- (e) Before development commences, including site clearance and any other preparatory works, the trees to be retained shall be protected in accordance with details contained within the submitted Tree Survey by Heartwood Arboricultural Consultants dated July 2007. Any protective works shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (f) The proposed hedgerow adjacent to the public footpath and cycleway once planted shall thereafter be retained and maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) Before any part of the development hereby permitted 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;

- (h) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version) and the results of the assessment provided to the Local Planning Authority;
- (i) 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;
- (j) No site clearance works or development, or specified operations, shall take place between 1 March and 31 August without the prior written approval of the Local Planning Authority;
- (k) The development hereby approved shall be carried out in accordance with the recommendations made in Country Contract's Up-Date Ecological Assessment report dated November 2009;
- (l) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (m) Where the diverted cycleway meets the proposed development access, there shall be no obstruction to visibility greater than 300mm above the adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the diverted cycleway and extending 15m to the south-west, towards the carriageway centreline of Poplar Road. Such visibility shall be provided in advance of commencing construction of the dwellings;
- (n) The proposed access onto Poplar Road shall see no obstruction to visibility greater than 300mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the proposed access and extending to a point 1m off the nearside Poplar Road carriageway edge, 22m to the south of the proposed access. Such visibility shall be provided in advance of commencing construction of the dwellings;
- (o) No dwelling shall be occupied until the realigned cycleway is complete in accordance with details that must be submitted to, and approved in writing by, the Local Planning Authority;
- (p) 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), there shall be no addition or extension to the dwellings, nor any further building, structure or outbuilding shall be erected without the further grant of planning permission;
- (q) 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 gates, fences, walls, or other means of enclosure shall be erected on the site beyond the forwardmost part front of the dwelling without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised that works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible; (2) Applicant was advised that with regard to condition (h), any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991). Details of porosity tests should also be submitted; (3) Applicant was advised that the developer should be aware of the importance of checking with Wessex Water to ascertain whether there are any uncharted sewers or water mains within, or very near to, the site. If any such apparatus exists, the applicant should plot the exact position on the design layout to assess the implications. 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 that may affect its apparatus; (4) Applicant was advised that the developer must agree a point of connection to the foul sewerage network with Wessex Water; (5) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation; (6) Applicant was advised that all site operatives must be briefed to ensure that they are aware of the possible presence of wildlife on site. All trenches and pits dug on site must be covered at night or must have a means of escape to prevent animals being trapped. If any protected species are encountered they should be left undisturbed whilst expert advice is sought).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity, nor would the development harm wildlife and existing trees, and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision) and EN8 (Trees in Settlements). PPS1, PPS3 and PPS9.

48/10/0001

Demolition of bungalow and construction of new dwelling at 21 Greenway, Monkton Heathfield

Conditions

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

- (b) The development hereby permitted shall be carried out in accordance with the submitted approved plans;
- (c) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (d) 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;
- (e) Any drives or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development. For the purposes of this condition, permeable means either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse;
- (f) The bathroom window, side dining room windows, toilet windows and utility room door to be installed in the southern and northern elevations of the building shall be obscure glazed and the windows shall be non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed) to the satisfaction of the Local Planning Authority and shall not be modified thereafter without the prior written consent of the Local Planning Authority;
- (g) (i) The landscaping and planting schemes shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the 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;
- (h) The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with the submitted plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (i) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modifications) no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only;

- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to domestic and private needs of the occupier and shall not be used for any business or other purposes whatsoever;
- (k) 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 Devon Wildlife Consultant's submitted report dated February 2010 and include details of protective measures to avoid impacts on protected species during all stages of development and measures for the enhancement of places of rest for protected species. Once approved, the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (l) 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 development of the types described in Schedule 2 Part 1 Classes A, B and C of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (m) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 window or dormer windows shall be installed in any elevation of the development hereby permitted without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised to contact the Council's Environmental Health Department in respect of the garage and dwelling prior to any demolition, in case there were any hazardous materials present; (2) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, connections onto Wessex Water infrastructure; (3) Applicant was advised to be aware of the importance of checking with Wessex Water to ascertain whether there are any uncharted sewers or water mains within, or very near to, the site; (4) Applicant was advised that the soakaways should be constructed to BRD 365 (September 1991); (5) Applicant was advised to have regard to the position of any drains or other underground services which may cross the site or be close to the boundaries of the site; (6) Applicant was advised that provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway; (7) Applicant was advised that alteration of the access will involve construction works within the existing highway limits. These must be agreed in advance with the Highway Service Manager; (8) Applicant was advised that condition (k) relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a statement clearly stating how wildlife will be protected through

the development process and be provided with a mitigation proposal that will maintain favourable status for these species that may be affected by this development proposal; (9) Applicant was advised to note 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 undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation).

Reason for granting planning permission:-

The proposal for this replacement dwelling was considered not to have a detrimental impact upon visual or residential amenity of the locality or the immediate neighbours and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). The variety in dwelling type was considered acceptable and would bring character into this area in accordance with PPS3.

44. Erection of office building with associated parking and works at site adjacent to Woodfield House, Tangier, Taunton (38/09/0168)

Reported this application.

Resolved that subject to a Section 106 Agreement being entered into to secure (a) a contribution to the Third Way; (b) Park and Ride provision; (c) the implementation of a Travel Plan; and (d) a contribution for off-site flood storage alleviation, the Growth and 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) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 103 RevA, 104 RevB, 105 RevA, 201 RevA, 202 RevA, 301 RevB and Flood Plan No10014-SKC002;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) A flood management strategy shall be submitted to, and approved in writing by, the Local Planning Authority and shall include maintenance of the vehicular access and pedestrian gate and the strategy shall be adopted prior to the occupation of the building and thereafter be maintained in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority;
- (e) No development approved by this permission shall be commenced until a scheme for the prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:- (i) site security; (ii) fuel oil storage,

- bunding, delivery and use; (iii) how both minor and major spillages would be dealt with; (iv) containment of silt or soil contaminated run off; (v) disposal of silt or contaminated water pumped from excavations; (vi) site induction for workforce highlighting pollution prevention and awareness;
- (f) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2010 and letter dated 12 March 2010 from Hydrock to the Environment Agency and the following mitigation measures detailed within the FRA:- (i) identification and provision of safe routes into and out of the site to an appropriate safe haven; (ii) finished floor levels were set no lower than 16.7m above Ordnance Datum (AOD); (iii) the building is totally protected and would stay watertight up to a level of 16.7m AOD; and (iv) access to the river corridor for maintenance purposes was maintained;
- (g) Development shall not begin until full details of the water exclusion strategy for the car park have been submitted to, and approved in writing by, the Local Planning Authority. This must demonstrate that the car park is protected to a level of 17.2m AOD;
- (h) Development shall not begin until details of the flood defence walls and flood gates shown on drawing 10014-SKC002 Rev A are submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented as agreed;
- (i) Development shall not begin until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:- (i) details of how the scheme shall be maintained and managed after completion; (ii) management of the 1 in 100 year flood event with allowance for climate change; and (iii) management of the 1 in 30 year event during a tide lock scenario;
- (j) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles and commercial lorry parks shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor;
- (k) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;

- (l) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (i) to (iii) 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 (iv) has been complied with in relation to that contamination:
- (i) Site Characterisation - an investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (a) The collection and interpretation of relevant information to form a conceptual model of the site and a preliminary risk assessment of all the likely pollutant linkages; (b) If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants; (c) 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 and archaeological sites and ancient monuments. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.
 - (ii) Submission of Remediation Scheme - if any unacceptable risks are identified as a result of the investigation and assessment referred to in (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;
 - (iii) 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;
 - (iv) Reporting of Unexpected Contamination - in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section (i), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section (ii), which is subject to the approval in writing of the Local Planning Authority;
 - (v) Verification of

remedial works - following completion of measures identified in the approved remediation scheme a verification report (referred to in PP523 as a Validation Report) must be produced. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out. The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above. The verification report and signed statement are subject to the approval in writing of the Local Planning Authority; (vi) Long Term Monitoring and Maintenance - if a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved. All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR ii" and other authoritative guidance;

- (m) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of AMAs submitted report dated March 2008 and up to date surveys and include:-
- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - (ii) Details of timing of works to avoid periods when nesting birds could be harmed by disturbance;
 - (iii) Measures for the enhancement of places for rest for bats and nesting birds. Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (n) The parking layout shown on the submitted plans shall be provided prior to occupation of the new offices and thereafter be maintained as such;
- (o) A means of providing a temporary parking provision during construction works on site shall be provided and maintained and shall be submitted to, and agreed in writing by, the Local Planning Authority prior to work commencing and shall be maintained during the construction;
- (p) Covered cycle parking for a minimum of 10 bicycles shall be provided on site in a manner to be agreed and shall thereafter be maintained.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how bats and nesting birds 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 also be noted that the protection afforded to species under UK and EU law 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; (2) Applicant was advised that invitations for tenders for sub-contracted works must include a requirement for details of how the prevention of pollution requirements of condition (e) above will be implemented. Nothing other than uncontaminated excavated natural materials shall be deposited on the site. Any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"); (3) Applicant was advised that all waste disposed of off site must be taken to an appropriately licensed waste management facility in accordance with the Duty of Care and the Environmental Permitting Regulations 2007. If any waste is to be brought onto site, then the appropriate exemption must be applied for. Exemptions from the Waste Management Licensing Regulations for moving waste spoil or subsoil off-site will be required and the developer will need to contact the Environment Agency to apply for such activities; (4) Applicant was advised that Flood Defence Consent must be gained for an application 8m from the top of bank from the River Tone and the Mill Stream).

Reason for planning permission, if granted:-

It was considered that the proposal complied with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) in that the site had good transport links and neither residential nor visual amenity would be adversely affected and it provided adequate parking complying with Policy M3 and flood protection and alleviation in accordance with Policy EN28 of the Taunton Deane Local Plan and PPS25.

45. Demolition of 37 dwellings and redevelopment with erection of 46 dwellings and provision of parking, landscaping and associated infrastructure including alterations to parking and boundary treatment at Nos 5-8 Burns Road, at Ruskin Close, Taunton (38/10/0050)

Reported this application.

Resolved that subject to an agreement in respect of play provision, the Growth and 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) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) Drg No 2889-PL-100 Location Plan
 - (A3) Drg No 2889/PL/13 Bin and cycle store
 - (A3) Drg No 2889/PL/02 Proposed House types Type A - 2b 4p
 - (A3) Drg No 2889/PL/03 Proposed house types Type B 3b 5p
 - (A3) Drg No 2889/PL/04A Proposed house types Type D1 - 3b 5p
 - (A3) Drg NO 2889 PL 05 Proposed house types Type D2 3b 5p
 - (A3) Drg No 2889 PL 06 Proposed house types Type E 3b 5p
 - (A3) Drg No 2889/PL/08A Proposed flats over garages Type H 1b 2p

- (A3) Drg No 2889 PL 07 Proposed house types Type F 4b 6p
- (A3) Drg No 2889 PL 09 Proposed flats Plots 7 - 18
- (A1) Drg No 2889 PL 01 Proposed site layout plan
- (A1) Drg No 2889 PL 10 Proposed flats plots 19 - 30
- (A1) Drg No 2889 pl 11A Proposed flats street scenes
- (A1) Drg No 2889 PL 01E Proposed site layout
- A1) Drg No 2889 PL 21 Refuse vehicle tracking;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) The door design shall be as indicated on the submitted drawings unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (g) The front boundary walls to the dwelling units shall be retained as indicated on the submitted drawing unless otherwise agreed in writing by the Local Planning Authority;
- (h) None of the dwellings shall be occupied until a drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority and the agreed works have been completed in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority. The strategy should include: (i) Details of flow path (exceedance) should be shown for when the capacity of the drainage system is exceeded; (ii) A full operation and maintenance strategy should be submitted and agreed and this should include: (a) details of how financial provision is to be made for the attenuation works, ensuring that this is provided for the lifetime of the development; and (b) identify who will be responsible for maintenance;
- (i) No dwelling shall be occupied until cycle and bin storage has been provided for within the site in accordance with the submitted plan unless otherwise agreed in writing by the Local Planning Authority. The cycle and bin storage areas shall thereafter be retained as agreed;
- (j) Before any building or engineering works are carried out on the site, the construction access and contractors' parking and compound area shall be provided, surfaced and drained in accordance with a detailed scheme,

- which shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall also indicate the eventual use of that area;
- (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 and thereafter provided prior to occupation of any dwelling;
 - (l) The proposed estate roads, footways, footpaths, tactile paving, junctions, street lighting, sewers, drains, surface water outfall, vehicle overhang margins, visibility splays, accesses and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate, the design, layout, levels, materials and method of construction shall be submitted to the Local Planning Authority;
 - (m) The proposed 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 existing highway;
 - (n) Before the dwellings hereby permitted are first occupied, a 1.8m wide footway shall be constructed over the entire Burns Road frontage of the site in accordance with a specification to be approved in writing by the Local Planning Authority;
 - (o) No construction of any dwelling shall take place until the road widening of Burns Road has been carried out in a manner to be agreed by the Local Planning Authority and prior to occupation of the proposed dwellings hereby permitted details shall be submitted of the realignment and resurfacing works of Burns Road shown on drawing no 2889/PL 01 C and approved in writing by the Local Planning Authority. Such works shall be fully constructed in accordance with the approved plans, to an agreed specification before the development is first brought into use.
- (Notes to applicant:- (1) Applicant was advised that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible; (2) Applicant's attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site).

Reason for planning permission, if granted:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

46. Change of use from 2 flats to single dwelling and 2 flats at 2A Salisbury Street, Taunton (38/10/0064)

Reported this application.

Resolved that subject to the receipt of amended plans correcting the rear elevation, the Growth and 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) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the submitted plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason for planning permission, if granted:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

47. Enforcement action at Taunton Vale Sports Club, Gipsy Lane, Taunton

Reported that since the Taunton Vale Hockey Club had been erected local residents had made a number of complaints regarding the flood lighting provided.

In February 2009 the Committee had resolved to take enforcement action against the Hockey Club (Minute No 23/2009 refers) for failure to comply with a Breach of Condition Notice requiring a set of floodlights at the site to be shielded.

An application to vary the condition to allow a scheme that would not provide shielding and would not have a detrimental impact on local residents was considered in April 2009 and was deferred for further specialist advice to be sought.

The Hockey Club had now fixed shields to the floodlights and the condition had therefore been complied with.

Resolved that no further action be taken.

48. Large shed erected at 139 Darby Way, Bishops Lydeard

Reference Minute No 15/2010, reported that the Committee had agreed to take enforcement action to remove a large shed erected at 139 Darby Way, Bishops Lydeard without the necessary consent being granted.

It had now come to the Council's attention that a shed had been erected at the property prior to the current tenant taking over the tenancy in 2004 and it was therefore not considered expedient to take any further action.

Resolved that no further action be taken.

49. Appeals

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

Resolved that the report be noted.

(The meeting ended at 7.10 pm.)

