

## **Planning Committee – 20 October 2010**

Present:- Councillor Bishop (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Coles, Denington, Gaines,  
Mrs Floyd, C Hill, House, Miss James, Morrell, Mrs Smith,  
Stuart-Thorn, Watson and A Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching (Area Planning Manager), Mrs J Moore (Major Applications Co-ordinator), Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor D Durdan and Councillor Ms K Durdan in connection with application No 14/10/0019; Councillor Guerrier and Councillor Mrs Waymouth in connection with application No 20/10/0017; Councillor Cavill and Councillor Mrs Waymouth in connection with application No 48/10/0036; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **109. Apology/Substitution**

Apology: Councillor McMahon

Substitution: Councillor Stuart-Thorn for Councillor McMahon

### **110. Minutes**

The minutes of the meeting of the Planning Committee held on 22 September were taken as read and were signed.

### **111. Declarations of Interest**

Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared that, although he had discussed application No 14/10/0019, he did not feel that he had fettered his discretion. Councillor Coles also declared an interest in application No 38/10/0263 as Ward Councillor and a local resident. Councillor Watson declared that he had attended a parish council meeting where application No 45/10/0005 had been discussed. However, he did not consider that he had fettered his discretion. As an owner of land in the Monkton Heathfield area, Councillor Cavill declared a prejudicial interest in application No 48/10/0036 and left the meeting during its consideration. Councillor Gaines declared an interest in application No 49/10/0034 as he knew the applicant and left the meeting during its consideration.

### **112. 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:-

**20/10/0017**

**Change of use from day school (D1) to residential care home (C2) at Staddons, Kingston St Mary (retention of works already undertaken)**

**Reason for granting planning permission:-**

With regard to the existing authorised use of the site, the proposal was considered to be appropriately located and did not increase the need to travel by private car. It was considered that the use as a care home would not have an unreasonable impact upon the residential amenity of nearby properties and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements).

**38/10/0244/REX**

**Demolition of garage and erection of dwelling at land to the east of 3 Northfield Road, Taunton (replacement of extant permission 38/07/0561)**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) 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 development hereby approved shall be carried out in accordance with the mitigation measures detailed within the Flood Risk Assessment (FRA) submitted with this application dated 1st October 2010;
- (e) Details of the arrangements to be made for the disposal of foul and surface water drainage for the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced;
- (f) 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, other than those expressly authorised by this planning permission, without the further grant of planning permission.

(Note to applicant:- Applicant was advised that the development is located within a foul sewered area. It will be necessary for the applicant to agree a

point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. Although not shown on the public sewer record drawing, it is understood there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex Water is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3m of this apparatus. The applicant has proposed to dispose of surface water to mains sewer. There should be no increase in combined flows to the combine sewer. It will be necessary for the applicant to discuss discharge rates with Wessex Water's Development Engineer. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure).

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

The proposal was not considered to have a detrimental impact upon visual or residential amenity, nor was there considered to be any harm on highway safety or flooding within the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) M4 (Residential Parking Provision), EN28 (Development and Flood Risk) and Planning Policy Statement 25 (Development and Flood Risk).

### **38/10/0282/LB**

### **Conversion of basement from storage to two bedrooms and bathroom with staircase and ground floor alterations at Flat 1, Belmont House, 3 Belmont Drive, Taunton**

### **Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The windows and doors hereby permitted shall be of timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works unless any variation thereto is first agreed in writing by the Local Planning Authority:- new staircase and staircase opening; and the external grate outside the entrance door;

- (e) The door frame and door to the ground floor cupboard shall be retained in their exact position unless first agreed in writing by the Local Planning Authority;
- (f) No existing feature or structure, other than those for which consent is hereby granted, shall be removed, interfered with or adapted without the prior approval of a further listed building consent.

(Note to applicant:- Applicant was advised that the presence of bats was noted during the site inspection. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007) also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places).

**Reason for granting planning permission:-**

It was considered that the proposal was in line with Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings. The listed building and its setting and any features of historic or architectural interest are, therefore, preserved in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**38/10/0287**

**Erection of single storey extension at 4 Hazel Close, 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 approved 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 granting planning permission:-**

The proposed development would not harm either visual or residential amenity, neither would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**49/10/0034**

**Demolition of garage/store and erection of single storey one bedroom dwelling at land to the rear of 16 Style Road, Wiveliscombe**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Prior to the occupation of the dwelling hereby permitted, a 1.8m high privacy fence shall be provided at the rear boundary of 16 Style Road and the application site in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
- (d) The dwelling shall not be occupied until space has been laid out within the site for parking in accordance with the approved parking plan. The approved parking spaces shall thereafter be retained for the parking of vehicles in connection with the approved development and 16 Style Road as set out within the application.

(Note to applicant:- Applicant is encouraged to ensure the sustainable features indicated on the approved plans are provided and retained during the lifetime of the products).

**Reason for granting planning permission:-**

The Committee considered that the proposal would not have a detrimental impact upon visual or residential amenity, or a significant impact on highway safety with regard to the existing use of the access and was therefore considered acceptable. Accordingly it did not conflict with Taunton Deane Local Plan Policies S1 and S2 or Policies 9 and STR1 of the Somerset and Exmoor Structure Plan and accorded with the statutory duty imposed by Section 72 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 considered the building, together with the amenity space, to be acceptable. They also felt that the vehicular access would not alter significantly.

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

**14/10/0019**

**Temporary change of use of part beer garden to erect temporary pre-fabricated unit as pharmacy on land at The Bell Inn, Creech St Michael**

**Reason**

The proposal failed to preserve and enhance the character, appearance and setting of the listed building and there was insufficient public benefit to outweigh the harm and the proposal is therefore considered to be contrary to policy HE10 of Planning Policy Statement 5.

**Reason for refusing planning permission contrary to the recommendation of the Development Manager:-**

The Committee felt that the application would not enhance the listed building.

**113. Demolition of 31 no dwellings and erection of 64 no dwellings, parking, landscaping and associated infrastructure at 1-32 Victoria Gate, Taunton (38/10/0263)**

Reported this application.

**Resolved** that subject to:-

- (1) No further comments raising new comments being received by 21 October 2010; and
- (2) A legal agreement being agreed with the developer to provide a contribution towards local leisure and recreation 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:-

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) Before development commences, including site clearance and any other preparatory works, a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective

fencing and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;

- (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 including maintenance for the lifetime of 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;
- (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) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath to at least base course level between the dwellings and highway;
- (k) The applicant shall ensure that all vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular, but without prejudice to the foregoing, efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the construction of the site is completed;
- (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) Prior to commencement of any trenching works within the canopy spread of existing trees, all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the

- Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery;
- (n) The windows shown to be obscure glazed on the submitted residential elevations of the buildings shall be carried out and be fixed or limited opening in a manner to be agreed and glazed with obscure glass of a level to be agreed in writing prior to installation and this shall thereafter be retained. There shall be no alteration or additional windows in the elevations without the further grant of planning permission;
  - (o) The development hereby permitted shall not be commenced until details of a strategy to protect birds, bats and reptiles has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Aardvark's Ecological Consultant's submitted report, dated December 2009 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 the timing of works to avoid periods of work when the species could be harmed by disturbance; (iii) Measures for the replacement and enhancement of places of rest for the species. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority, and thereafter the resting places and agreed accesses for nesting birds shall be permanently maintained. 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.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. Wildlife and the law - the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity undertaken on the site must comply with the appropriate wildlife legislation. Breeding birds -nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the trees should be checked for nesting birds before work begins. Bats - the applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007) also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the trees, work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (2) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications must be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted



concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway).

**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).

**114. Demolition of bungalow and erection of pair of semi-detached dwellings and alterations to access at Nerine, West Bagborough (45/10/0005)**

Reported this application.

**Resolved** that subject to no further objections raising new issues from the County Highways Officer, 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:-

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) 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;
- (d) All rooflights hereby approved shall be flush fitting conservation style with a central glazing bar and thereafter retained as such;
- (e) All windows and doors hereby approved shall be of timber and of the design shown on the approved plans and thereafter retained as such;
- (f) (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;
- (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 development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be completed before the buildings hereby permitted are occupied and thereafter maintained as such;
  - (i) No development shall take place until a plan showing the details of the chimney has been submitted to, and approved in writing by, the Local Planning Authority. The chimney shall thereafter be implemented in accordance with the approved details prior to the occupation of the dwellings and thereafter retained as such;
  - (j) All services shall be placed underground;
  - (k) No development shall take place until details of the Sustainable Urban Drainage System (SUDS) have been submitted to, and approved in writing by, the Local Planning Authority;
  - (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 extensions, other alterations, including balconies, windows, chimneys, flues, or curtilage structures (of the types described in Schedule 2 Part 1 Class A-G of the 1995 Order) other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
  - (m) The development hereby permitted shall not be commenced until details of the timing of the works to implement all of the precautionary measures and wildlife enhancements for bats, reptiles and nesting birds made in the wildlife survey report of Acorn Ecology Limited dated October 2010 has been submitted to, and approved in writing by, the Local Planning Authority. 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 bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
  - (n) Before works commence on the development there shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back and parallel over the entire site frontage either side of the access. Such visibility shall be fully provided and shall thereafter be maintained at all times;
  - (o) Before the dwellings are occupied, the proposed access over at least the first 5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone

- or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (p) No entrance gates shall be erected at any time;
  - (q) Before the dwellings are occupied 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;
  - (r) The area allocated for access, parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted.

(Notes to applicant:- (1) Applicant was advised that soakaways should be constructed in accordance with British Research Digest 365 (September 1991); (2) Applicant was advised (i) that it will be necessary, if required, to agree points of connection with Wessex Water for water supply and the satisfactory disposal of surface and foul flows; (ii) to 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, the applicant 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; (iii) due to the close proximity of the West Bagborough Sewage Treatment Works, the applicant should be made aware of the possibility of odour nuisance from the normal operation of Wessex Water's works; (3) Applicant was advised that with reference to Condition (g), modern concrete kerb stones should not be used to demarcate the entrance from the road. Modern kerbing gives an immediate impression of suburban or urban environments and are not typical characteristics of Quantock villages; (4) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager and any application for such a permit should be made at least four weeks before access works are intended to commence; (5) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (6) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for those species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation).

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

The site lies within the defined limits to development where the principle of residential development was acceptable. The proposed dwellings were not considered to be out of character with the surrounding pattern of development and have been designed to respect the traditional design of neighbouring properties, hence enhancing the appearance of the Quantock Hills Area of Outstanding Natural Beauty. The proposed scheme would not result in material detriment to the amenities of the occupiers of neighbouring properties or to the long term health of trees of amenity value within the site. As such, the proposal was in accordance with the West Bagborough Village Design Statement and Policies S1 (General Requirements), S2 (Design), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows), EN10 (Areas of Outstanding Natural Beauty) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

**115. Application for reserved matters for Phase 1 residential development consisting of 327 dwellings, associated highways, landscaping including public open space, first section of relief road and roundabout on A38 Bridgwater Road at land off Bridgwater Road, Monkton Heathfield**

Reported this application.

**Resolved** that subject to the satisfactory resolution of the following issues:-

1. Affordable housing;
2. Surface water drainage;
3. Public open spaces including children's play areas and playing fields;
4. Parking;
5. Provision of a revised Section 106 Agreement between the County Highway Authority and the applicant to include:- (a) the provision of a new roundabout on the A38 south of Mill Hill, together with traffic calming works on the A38 and a light controlled pedestrian crossing all as generally shown on Drawing No 100591SK105B, or any subsequently approved revision; and (b) the substitution of at grade multi-user controlled crossings to replace the foot/cycle bridges

And the submission of the following outstanding details:-

1. Full details of the foul sewage tank beneath the secondary sports pitch. Somerset County Council Education currently object to the inclusion of this in the drainage strategy for health and safety reasons and due to concerns over any maintenance works which could put the field out of use. There is concern that this has been devised with no prior discussion or agreement as they will be the future landowners. Full information on the tank detail maintenance regimes should therefore be submitted;
2. Archaeological project design/programme of works;
3. Affordable housing plan which differentiates between social rented and shared ownership housing so that the proposed clusters could be properly assessed;
4. Maintenance regimes and arrangements for:-

- a) Foul drainage;
  - b) Surface water drainage;
  - c) Landscaping structural areas, community woodland;
  - d) Public open spaces including children's play areas and playing fields;
  - e) Acoustic fencing;
  - f) Revised house details for corner plots, in keeping with the local area;
  - g) Full details of the pocket park attenuation feature, including cross sections and summary of maximum water depth and amount of time expected to have water in;
5. Revised plan showing wall and fencing details, including the replacement of fences used to separate parking courtyards;
  6. Reissue of design and access statement to reflect current proposals (details to follow);
  7. Revision of the design and access statement to correct the error in the title of Redrow Homes affordable housing provision;
  8. Revision of design code (detail to follow);
  9. Details of parking.
  10. Samples of materials to be used;
  11. Details of cycle parking;
  12. Details of the layout of the junction of the northern roundabout to serve the development before the remainder of the road is commenced;
  13. Hedges used as front boundaries along the main highway to have railings (metal or timber depending on their location) to ensure safety and security;
  14. Details of the cycle parking provision required adjacent to public realm areas;
  15. An energy statement to show a 10% reduction of the energy supply from decentralised and renewable or low carbon sources in line with the requirements of the Secretary of State's condition and in line with the proposed Design Code. Details of the solar roof panels, including a plan showing which plots will have the panels and elevation drawings for those houses;
  16. Details of a waste management plan in accordance with Somerset Waste Local Plan Policy W18 to be submitted (provision for the assembly of materials for recycling within the boundary of the development proposal or the storage of boxes for recyclables);
  17. Confirmation that the private drives and parking areas will have permeable paving;
  18. The layout plan should include details of the bus stop to be provided adjacent to Brittons Ash;
  19. A revised landscaping layout is required with amendment to the planting details;
  20. Details of wildlife mitigation and a Habitats Regulation 9 statement referring to impact on European protected species;

the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman or Vice-Chairman and, if the detailed plans were approved, the appropriate conditions (details of which will be reported to the Planning Committee in due course) be imposed.

**116. Items of a non-agricultural nature stored on land south-west of Allerford Farm known as Gaia**

Reported that it had come to the Council's attention that items of a non-agricultural nature were being stored on land south-west of Allerford Farm, Hillfarrance known as Gaia.

The owners of the site had been contacted and requested to remove the non-agricultural items. However, to date the site had not been cleared.

**Resolved** that:-

1. Enforcement action be authorised to remove the storage of non-agricultural items from land south-west of Allerford Farm, Hillfarrance known as Gaia; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**117. Land between 13 and 15 South Street, Taunton – Section 215 Notice**

Reported that it had come to the Council's attention that an area of land between 13 and 15 South Street, Taunton was in an untidy condition.

The owner of the site had been contacted and requested to clear the land and some improvements had been made. However, further deterioration of the site had now taken place.

**Resolved** that:-

- 1) A Notice under Section 215 of the Town and Country Planning Act 1990 be served requiring the owner to clear the site of unsightly items; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Section 215 Notice not be complied with.

**118. Non-compliance with condition imposed by Planning Inspector following an appeal at Sunnydene, Dene Road, Cotford St Luke**

Reported that a condition imposed by the Planning Inspectorate following an appeal had not been complied with at Sunnysdene, Dene Road, Cotford St Luke.

The Inspector had imposed a number of revised conditions including the requirement to submit a development scheme including landscaping, improved visibility splays, parking areas and siting of touring caravans.

The Inspector had stated that the permitted use should cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such should be removed within 28 days of the date of the occupants failing to meet any one of the requirements set out in the Inspector's decision. Although the owner had been requested to comply with the requirement to submit a development scheme, to date no scheme or timetable for implementation had been agreed.

**Resolved** that:-

- 1) Enforcement action be authorised requiring the occupation to cease and all caravans, structures, equipment and materials to be removed at Sunnysdene, Dene Road, Cotford St Luke;
- 2) Enforcement action to be deferred for one month; and
- 3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to institute legal proceedings should the enforcement notice not be complied with.

## **119. Appeals**

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

Also reported that three appeal decisions had been received, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 9.30 pm.)

