

## **Planning Committee – 15 December 2010**

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

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

Also present: Councillor Mrs Lewin-Harris in connection with application No 06/10/0045; Councillors Henley and Thorne in connection with application Nos 30/10/0031 and 30/10/0032; Councillor Mrs Herbert in connection with application No 38/10/0309; Councillor Cavill in connection with application No 48/09/0054; Councillor Hayward in connection with Agenda Item 13 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **131. Apologies/Substitution**

Apologies: Councillors Bowrah, McMahon, Watson and D Wedderkopp

Substitution: Councillor Stuart-Thorn for Councillor Watson

### **132. Minutes**

The minutes of the meetings of the Planning Committee held on 17 November and 30 November were taken as read and were signed.

### **133. 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 Mrs Allgrove declared that she had received and replied to an e-mail in respect of application No 38/10/0309; Councillor Coles declared that he had received an e-mail in respect of application No 38/10/0309 but had not responded; Councillor Denington declared a personal interest in application No 38/10/0309 as Ward Councillor but did not consider that he had fettered his discretion.

### **134. 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:-

**06/10/0045**

**Replacement of storage building and provision of office within at Lime Tree Farm, Bishops Lydeard**

**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) The applicant shall undertake all of the recommendations made in Greena Ecological Consultancy's Protected Species report dated August 2010 and provide mitigation for birds in accordance with the report. 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 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. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (d) The development shall be carried out in strict accordance with the approved Flood Risk Assessment (prepared by DG Engineering Consultancy and dated October 2010) and the following measures:- (i) Finished floor levels of the building shall be set no lower than 51.90m AOD; and (ii) Details of a "water exclusion strategy" in line with Section 10e shall be submitted to the Local Planning Authority;
- (e) The building hereby permitted shall be used for the storage of building materials and equipment and agricultural materials and equipment only and for no other purpose.

(Notes to applicant:- (1) Applicant was advised by the Nature Conservation Officer to note that the protection afforded to species under UK and EU legislation was irrespective of the planning system and it should be ensured that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; and (2) Applicant was advised that no retail sales from the site are permitted by this application).

**Reason for granting planning permission:-**

The proposed building would replace an existing building on the same site of the same footprint and to the same ridge height and, by virtue of the design and materials, was not considered to result in any harm to the appearance of the landscape or increased impact on the amenities of neighbouring properties. Whilst the site lies within Flood Zone 3, being a replacement building of the same footprint and location within the site, it was not considered to result in an increased risk of flooding beyond that of the current situation. As such, the proposal was in accordance with Policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan

Review and Policies S1 (General Requirements), S2 (Design) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

**07/10/0027**

**Erection of building to provide ancillary office accommodation associated with current employment use at Trefusis Lodge, Tone Green, Bradford on Tone (retention of development already undertaken)**

### **Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the approved plans;
- (b) The building hereby permitted shall be used as ancillary office and administrative purposes only for businesses operating within the portal framed building labelled 'warehouse' on drawing P0837\_3D\_SX;
- (c) Prior to the construction of the raised timber walkway required by condition (d), the flood storage compensation scheme detailed on drawings 1051/2310a and 1051/2310b shall be fully completed in accordance with those details;
- (d) Unless within 3 months of the date of this decision the raised timber walkway indicated on drawings 1051/2310a and 654.D.001 has been constructed in complete accordance with those details, the use of the site hereby permitted shall cease until such time as a scheme is approved and implemented;
- (e) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the following requirements:- (i) Within 6 months of the date of this permission, details of a strategy to protect barn owls shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy's submitted report dated 22 March 2010 and include details of protective measures to include method statements to avoid impacts on protected species during all stages of development; details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and measures for the retention and replacement and enhancement of places of rest for the species. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for barn owls shall be permanently maintained; (ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State; (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State; (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable;
- (f) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the following requirements:- (i)(a)

- Within three months of the date of this permission a landscaping scheme, which shall include details of the species, siting and numbers to be planted together with the proposed timing of the works, shall be submitted to, and approved in writing by, the Local Planning Authority; (b) The scheme shall be completely carried out in accordance with the approved timing; (c) 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; (ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State; (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State; (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable;
- (g) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the following requirements:- (i) Within 12 months of the date of this permission the following works shall have been completed in accordance with a schedule of works that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority:- application of 'Yorkshire' hit and miss timber boarding applied to the external walls of the main portal frame building; restoration and refurbishment of the remaining stone boundary wall and reduction of the northern access to accept pedestrian traffic only; permanent removal of the existing, redundant, dilapidated mobile home; and restoration and renewal of old roof to cob and block barn; (ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State; (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State; (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable;
- (h) There shall be no direct on-site retail sales from the site;
- (i) Unless within 3 months of the date of this decision the following flood mitigation measures detailed in the submitted Flood Risk Assessment (prepared by Aardvark and dated July 2010) have been carried out:- Finished floor levels of the development shall be set no lower than 32.3m AOD (page 12 section 9.2); and the flood resilience measures detailed on page 13 section 9.3 have been implemented; the use of the site shall cease until such time as a scheme is implemented.

**Reason for granting planning permission:-**

The development to provide ancillary accommodation to the existing commercial and industrial uses on the site was considered to be an

appropriate development, whereby the provision of a new replacement building had provided the opportunity for an improvement to the visual amenities of the area and new benefits to wildlife. The development would be safe from flooding and would not be detrimental to the amenities of other nearby properties or the highway network. It complied with Policies S1 and S2 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 7.

**37/10/0013**

**Erection of single storey extension and balcony over at Russett House, Stoke St Mary**

**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.

**Reason for granting planning permission:-**

The proposed development would not harm visual or residential amenity, nor 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).

**38/10/0309**

**Demolition of dwelling and erection of three dwellings on site at 22 Gordons 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) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Any drive and 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;
- (e) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings

are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (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) 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 additional window or dormer windows shall be installed in the northern or north-eastern elevations of the development hereby permitted without the further grant of planning permission;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the upper floor bathroom, shower room, ensuite windows to be installed in the northern and north-eastern elevations of the new dwellings shall be obscure glazed and 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). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (i) The dwellings shall not be occupied until the means of vehicular access has been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (j) No dwelling shall be occupied until space has been laid out within the site in accordance with the plan (0910/04D) submitted for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (k) 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 garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever;
- (l) 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;

- (m) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (n) Prior to commencement of 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 shall be used to backfill the trench and compacted without using machinery;
- (o) The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds, reptiles, otters and water voles has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated October 2010 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; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the 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;
- (p) The development hereby permitted shall be carried out in full accordance with the submitted Flood Risk Assessment and the following details therein:- (i) Finished floor levels of the development shall be set no lower than 24.0m AOD; and (ii) Surface water run-off from the development shall be attenuated to existing rates using soakaways;
- (q) No development shall commence until a detailed Environmental Management Plan for the Blackbrook has been submitted to, and agreed in writing by, the Local Planning Authority. The approved Plan shall include the following details and measures:- (i) Details of construction works and pollution prevention measures during this phase of development; (ii) Details of riverside improvement for Otters and Bats upon completion of the development; and (iii) Maintenance and management of the riverside upon completion of the development.

(Notes to applicant:- (1) Applicant was advised to be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such, under Section 219 to 225 of the Highways Act 1980 will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway

Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code; (2) Applicant was advised that provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway; (3) 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; (4) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and it should be ensured that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (5) Applicant was advised that the condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife and their habitat will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development process; (6) Applicant was advised that it has been claimed that the existing building may contain asbestos and professional advice should be taken in identifying and removing asbestos; (7) Applicant was advised 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 exact position on the design site layout to assess the implications should be plotted. 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; (8) Applicant was advised to agree with Wessex Water any connections onto its system; (9) Applicant was advised that the Blackbrook is a designated "main river" and, as such, the Environment Agency has maintenance powers which must be retained for 8m from the top of bank. From the submitted plans it would appear that all existing trees on site are to be retained and no additional tree planting, fences or other structures will be constructed within 8m of the Blackbrook. This being the case, the Environment Agency is satisfied that the development will not impede its maintenance access and protect biodiversity interests; (10) Applicant was advised that the Environment Agency advises:- (a) There must be no ground-raising within Flood Zone 3 during any phase of development because this is likely to displace flood flows at the site; and (b) Any works within 8m of the Blackbrook will require a separate Flood Defence Consent from the Environment Agency; (11) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

### **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. The proposed access would be satisfactory and the development would not have a significant 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). The proposal was considered to be a positive contribution to the area, as the design was contemporary, yet mirrored the characteristics of the other properties in the area.

**135. Demolition of two dwellings, office building and associated outbuildings and the erection of 12 dwellings, 4 apartments, 5 business units providing 500m<sup>2</sup> of accommodation and associated external works at Sellicks Green, Pitminster (30/10/0031)**

Report this application.

**Resolved** that subject to:- (1) a viability assessment of the affordable housing provision; and (2) a Section 106 Agreement to secure affordable housing and leisure, recreation and community facilities, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, 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, excluding site works, 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) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) The landscaping and planting scheme 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;
- (f) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected.

The agreed boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (g) Details of the proposed surface water drainage shall be submitted for approval before any works commence on site and shall include full details of the pond, the intended future ownership and maintenance provision for all drainage works serving the site, including the pond. Calculations should be provided to show the system, including the pond, can accommodate the surface water run-off from the 1 in 100 year storm plus climate change. Discharge to the receiving ditch shall be limited to greenfield run-off rates and as calculated from a 1 in 1 year storm using 10% impermeability. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- (h) 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 Greena Ecological Consultancy's submitted report dated November 2009 and the Bat activity surveys dated October 2010 and shall include:- (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when bats and nesting birds could be harmed by disturbance; and (iii) 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. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (i) No demolition work shall commence until the replacement bat roost provision agreed under Condition (h) have been provided. Once approved the bat roost works shall take place in accordance with the agreed scheme and thereafter the loft space and agreed openings shall be permanently maintained. The development shall not otherwise commence until the scheme for the provision of the bats' roost and related accesses has been fully implemented;
- (j) The light industrial units hereby approved shall be constructed and completed prior to the residential occupation of any of the dwellings approved;
- (k) Noise from any plant or equipment at the proposed business units shall not exceed background noise levels by more than 3 dB for a 2 minute LAeq at any time when measured at the facade of residential or other noise sensitive premises. 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;
- (l) No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 07.30-19.00hrs Monday to Friday and 07.00-13.00hrs on Saturdays nor at any time on Sundays, Bank or Public Holidays;

- (m) Details of any external lighting for the industrial units or to the garages or rear of residential properties shall be submitted to, and approved in writing by, the Local Planning Authority before the lighting is installed. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (n) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway during the construction period. 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 the commencement of development, and thereafter maintained until construction on the site has ceased;
- (o) Before the dwellings hereby permitted are first occupied, details of the footway shown on drawing 9337.52J shall be submitted to, and approved in writing by, the Local Planning Authority. Such footway shall be fully constructed in accordance with the approved plan;
- (p) 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 as agreed;
- (q) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients 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, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (r) 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;
- (s) 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 garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any living accommodation or business or other purpose whatsoever;
- (t) There shall be no obstruction to visibility greater than 300mm above the adjoining road level forward of lines drawn 4.5m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 40m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times;
- (u) The premises shall be used for B1 uses only and for no other purpose, including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent

to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats, breeding birds and reptiles will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds that are affected by this development proposal; (2) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and it should be ensured that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation; (3) Applicant was advised that bats are known to use the building as identified in the submitted report. The species concerned are European Protected species within the meaning of the Conservation of Habitats and Species Regulations 2010. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations; (4) Applicant was advised that part of these works would require a condition survey of the existing public highway to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied before occupation of the development; (5) Applicant was advised 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 exact position on the design layout to assess the implications should be plotted. 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).

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

The proposed mixed use development was considered not to have a detrimental impact upon visual or residential amenity and was considered to respect the character of the area in terms of design and would have a satisfactory highway access, landscape provision and drainage design and it was therefore considered acceptable and, accordingly, did not conflict with policies STR6 and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC7 (Rural Employment Proposals), C4 (Provision of Recreational Open Space), H9 (Affordable Housing) and EN12 (Landscape Character Areas).

**136. Demolition of two dwellings, office building and associated outbuildings and the erection of 15 dwellings and associated external works at Sellicks Green, Pitminster (30/10/0032)**

Reported this application.

**Resolved** that subject to:- (1) a viability assessment of the affordable housing provision; and (2) a Section 106 Agreement to secure affordable housing and leisure, recreation and community facilities, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, 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 as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) The landscaping and planting scheme 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;
- (f) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the use hereby permitted is commenced or before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) None of the dwellings shall be occupied until the sewage disposal drainage works have been completed in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (h) The development hereby permitted shall not be commenced until details of a strategy to protect species names has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of consultants' submitted report 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; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for species name shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses has been fully implemented;

- (i) Work shall not commence until details of a scheme for the provision of a bats' roost within the roof void of the development hereby permitted, together with the provision of access to that roof space for bats, has been submitted to, and approved in writing by, the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the loft space and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bats' roost and related accesses has been fully implemented;
- (j) The windows hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
- (k) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway during the construction period. 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 the commencement of development, and thereafter maintained until construction on the site has ceased;
- (l) 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 as agreed;
- (m) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients 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, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (n) 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;
- (o) The gradient of the proposed access shall be no steeper than 1:10 unless otherwise agreed in writing by the Local Planning Authority;
  - (p) Before the dwellings hereby permitted are first occupied a 2m wide footway shall be constructed over the entire frontage of the site in accordance with a specification to be approved in writing by the Local Planning Authority;
  - (q) The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
  - (r) There shall be an area of hard standing at least 6m in length, as measured from the nearside edge of the highway to the face of the garage doors, where the doors are of an up-and-over type;
  - (s) No work shall commence on the development hereby permitted until details of the access arrangement shown on drawing no. 9337 69 C has been submitted to, and approved in writing by, the Local Planning Authority. Such access arrangements shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use;
  - (t) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 70m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced into use and shall thereafter be maintained at all times.

**Reason for granting planning permission (subject to (1) a viability assessment of the affordable housing provision; and (2) a Section 106 Agreement to secure affordable housing and leisure, recreation and community facilities being agreed):-**

The Committee considered that the proposal, by reasons of the highway improvements, variety of house types and affordable housing, outweighed the loss of employment land and accorded with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Provision of Recreational Open Space, H9 (Affordable Housing) and SN12 (Landscape Character Areas).

**Reason for granting planning permission (subject to (1) a viability assessment of the affordable housing provision; and (2) a Section 106 Agreement to secure affordable housing and leisure, recreation and community facilities being agreed) contrary to the recommendation of the Growth and Development Manager:-**

The Committee considered that the proposal was acceptable by reasons of the highway improvements, variety of house types and affordable housing.

**137. Development of 11 ha of land to provide in the region of 233 dwellings, recreation and play areas, a public house/restaurant and car parking on land at Maidenbrook Farm, West Monkton**

Reported this application.

**Resolved** that if the Planning Committee had been in a position to determine the application, permission would have been refused for the following reasons:-

**Reasons**

- (a) Under regulation 9 of the Conservation of Habitats and Species Regulations 2010, Taunton Deane Borough Council considers that there is insufficient evidence to ensure that the development would not affect the 'Favourable Conservation Status', as defined by Article 1 of the Directive, of the populations of European Protected Species recorded on site and the proposal is considered to be contrary to Planning Policy Statement 9 and Somerset and Exmoor National Park Policy 1;
- (b) The proposal has failed to incorporate measures set out in the "test of significance", a legal requirement under the provisions of the Conservation of Habitats and Special Regulations 2010, which was submitted to, and agreed by, Natural England as being necessary to offset impacts on Hestercombe House SAC. The proposal mitigation is considered to be inadequate to compensate for the loss of habitat and the proposal is considered to be contrary to the Conservation of Habitats and Species Regulations 2010, Somerset and Exmoor National Plan Policy 1 and Taunton Deane Local Plan Policy EN3;
- (c) The site lies outside the settlement limits of Taunton and Monkton Heathfield where new development is resisted. The proposal does not serve an agricultural or other appropriate need and, as such, is considered to be contrary to Somerset and Exmoor National Plan Policy STR6 and Taunton Deane Local Plan Policy S7;
- (d) The proposal will have a significant detrimental impact on the open character of the Taunton-Monkton Heathfield green wedge and would reduce the effectiveness of the area in its role as an effective air conduit and wildlife corridor and would represent an undesirable contribution towards the coalescence of the settlements of Taunton and Monkton Heathfield and is considered to be contrary to Somerset and Exmoor National Plan Policy STR1 and Taunton Deane Local Plan Policies EN13;
- (e) The proposed development of this open greenfield site, characterised by hedge enclosed farmland, would be out of character with and detrimental to the landscape character of the area contrary to the requirements of Taunton Deane Local Plan Policy EN12. Furthermore, its development would have a detrimental impact on the character of the Taunton and Bridgwater Canal and approach route into Taunton contrary to the requirements of Taunton Deane Local Plan Policies EN25 and T34;
- (f) Whilst the housing land supply position is uncertain, the site does not satisfy the provisions of Planning Policy Statement 3, Paragraph 69 as the site forms part of an area of proposed green infrastructure that is required to support the emerging Core Strategy and Strategic Urban Extensions at



- Priorwood and Monkton Heathfield and its loss would undermine the evidence base for that strategy;
- (g) The submitted Archaeological Assessment states that there is potential for significant prehistoric and Roman archaeological remains at the site and is therefore a Heritage Asset as defined by Planning Policy Statement 5. The current submitted information is inadequate to assess the impact of the development on the Heritage Asset and the proposal is considered to be contrary to Policy HE6.1 of that Statement, and contrary to Somerset and Exmoor National Park Policy 11 and Taunton Deane Local Plan Policy EN23;
  - (h) Taunton Deane Local Plan Policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings. The current proposal does not provide for any affordable housing and is considered to be contrary to Somerset and Exmoor National Park Policy 35, Taunton Deane Local Plan Policy H9 and Planning Policy Statement 3 (paragraphs 27-30);
  - (i) The development is expected to result in a need for an additional 47 primary school places. The existing primary school has no spare capacity to cater for the additional demand and the developer is not proposing any contributions in order for those facilities to be provided. As a result the proposal is considered to be contrary to Taunton Deane Local Plan Policy C1;
  - (j) An update on the position of the Highway Authority is awaited given that a signed Section 106 covering the items listed by them is not available and this may result in an additional reason for refusal.

**138. Residential Development at Tangier, Taunton – 38/02/0114; 38/07/0183; 38/07/0184 and 38/10/0108Rex**

Reported that planning permission had been granted for the erection of 225 flats and ancillary works including new site access, car parking and associated works at the former gas storage site at Tangier, Castle Street, Taunton, subject to a Section 106 Agreement that covered contributions for education, leisure and recreation and the provision of public access to a footpath link adjacent to and a footbridge over the River Tone, highway contributions towards the construction of the Third Way and 56 units of affordable housing giving 28 x 1 bedroom flats and 28 x 2 bedroom flats.

However, since planning permission had been granted and the majority of ground decontamination works had been completed, the development was now unviable due to the financial crisis. The developer had now requested an amendment to the affordable housing agreement to provide 40 units of affordable housing giving 28 x 2 bedroom flats and 12 x 1 bedroom flats.

A financial viability statement submitted by the developer had been independently assessed by the District Valuation Office and it had been agreed that the proposed scheme was not viable in the current economic climate. The District Valuation Office had advised that 45 units of affordable housing would be reasonable.

The developer considered that 45 units would still make the scheme unviable and had suggested the following compromise:-

- The reduction of flats would be 1 bedroom units, keeping 28 x 2 bedroom units;
- Any overage from the other contributions would be retained by the Council to be used for additional flats within the scheme (this could be up to £300,000 which would provide an additional five units);
- The tenure of the flats would be split with 80% social and 20% shared equity (previously unspecified).

**Resolved** that a variation to the Section 106 Agreement be agreed.

### **139. Former Taunton Trading Estate, Norton Fitzwarren**

Reported that planning permission had been granted in July 2004 for a mixed use development at the former Taunton Trading Estate at Norton Fitzwarren subject to the completion of a Section 106 Agreement covering various issues.

One of the requirements of the Section 106 Agreement was that an area of 2.25 hectares of land in the vicinity of Stembridge Way, Norton Fitzwarren was to be offered for transfer to the Council at nil cost with good title prior to the first occupation of any dwelling house on the main site. The land was to provide a new playing field.

There have been a number of problems relating to third party interests and a right of way and, although the first house had been occupied, the land had not yet been transferred.

**Resolved** that the Solicitor to the Council be authorised to seek an injunction preventing further occupation of residential properties on the former Taunton Trading Estate site at Norton Fitzwarren until the transfer of the playing field land had been completed.

### **140. Unauthorised sign on gable end wall of 127 Rockwell Green, Wellington**

Reported that it had come to the Council's attention that a sign was in place on the gable end wall of 127 Rockwell Green, Wellington without the necessary advertisement consent being obtained.

The owner had been contacted and requested to remove the sign but, to date, no action had been taken.

**Resolved** that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised sign.

### **141. Appeals**

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

Also reported that one appeal decision had been received, details of which were submitted.

(The meeting ended at 9.30 pm.)