

Planning Committee – 28 September 2011

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, Govier, Hill, Miss James, Morrell, Mrs Reed, Mrs Smith, Tooze, Watson, A Wedderkopp, D Wedderkopp and Wren

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching (Development Management Lead), Mrs J Moore and Mr A Pick (Major Applications Co-ordinators), Mr M Bale (West Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Miss M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Cavill in relation to application No 48/10/0072; Councillor Williams in relation to application No 19/11/0003LB; Councillor Hayward in relation to agenda item No 12; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

84. Apologies

Mrs M Hill and Mrs Messenger.

85. Minutes

The minutes of the meetings of the Planning Committee held on 17 August 2011 and 7 September 2011 were taken as read and were signed.

86. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Watson declared that he had attended a parish council meeting where application No 06/11/0032 had been discussed. However, he did not consider that he had fettered his discretion. Councillor Coles declared that he had discussed application No 19/11/003LB but he did not consider that he had fettered his discretion. Councillor Cavill declared a personal interest in application No 19/11/0003LB. Councillor Wren declared that he had been contacted by a member of the public in relation to application No 21/10/0006. However, he did not consider that he had fettered his discretion. Councillors Bowrah, Govier and Mrs Reed declared that application Nos 43/11/0075 and 43/11/0076LB had been discussed at Wellington Town Council. However, they did not consider that they had fettered their discretion.

87. 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 **full planning permission be granted** for the under-mentioned developments:-

07/11/0009

Erection of a dwelling at land adjacent to Bradford Court, Bradford on Tone

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 following approved plans:-
- (A1) DrNo 4116/10 (as received 24.08.2011) site and location plans;
 - (A2) DrNo SPP/1652/2A Planting Proposals; and
 - (A1) DrNo 4117/11 floor plans and elevations;
- (c) Prior to the commencement of the development hereby permitted, details of a strategy to protect wildlife and enhance the site for wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's submitted report, dated June 2011 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;
 - 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 wildlife 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;

- (d) Prior to their installation, samples and/or details of the materials to be used in the construction of the external surfaces and the private drive of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority and a sample panel of the proposed external facing material measuring at least 1m x 1m shall have been built on the site for the inspection of the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (e) Prior to their installation, full details, including sections, profiles mouldings and external finishes of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such agreed details shall

be implemented prior to the occupation of the dwelling hereby permitted and shall, thereafter, be retained as such;

- (f) (i) The landscaping/planting scheme shown on the submitted plan SPP/1652/2A hereby permitted 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;
- (g) Prior to the occupation of the dwelling hereby permitted visibility shall be improved at the junction with the public highway to ensure that there is no obstruction to visibility in excess of 900mm above the carriageway level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over a distance of 70m to the west of the access point. Such visibility shall thereafter be maintained at all times;
- (h) Prior to the occupation of the dwelling hereby permitted, the renewable energy equipment and apparatus detailed in Appendix 1 of the 'Renewable Energy Systems for Proposed Dwelling to the South of Bradford Court' document dated August 2011, as amended 15.09.2011 and submitted with the application shall be completely installed and operational, unless otherwise agreed in writing by the Local Planning Authority;
- (i) The dwelling hereby permitted shall not be occupied until it has been verified by a qualified assessor and submitted in writing to the Local Planning Authority that a standard of energy efficiency for the dwelling has been achieved that is at least 65% better than that Part L of the Building Regulations 2006 as defined in column 2 of the table on page 7 of the BREAM Code for Sustainable Homes dated December 2006;
- (j) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions or alterations shall be carried out to the dwelling, no outbuildings shall be erected and no fences, gates, walls or other means of enclosure shall be erected other than those expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity, the setting of the listed building, character and appearance of the Conservation Area or highway safety and was therefore considered to be in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas); Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 (The Built Historic Environment) and 49 (Transport Requirements of New Developments); Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in Planning Policy Statement 5. Despite being located within an unsustainable location in transport terms the site was, largely, within the identified settlement limit for Bradford on Tone and, given the proposed energy performance and renewable energy credentials of the dwelling, the proposal was considered to be acceptable.

43/11/0075

Change of use from A1 retail to A3/A5 restaurant/take away and internal alterations at 17 Fore Street, Wellington

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 following approved plans:-
 - (A3) Location Plan
 - (A1) DrNo 2011.03.02 Proposed Plans - Section and Elevations;
 - (A1) DrNo 5188.1 Ground, First and Second Floor Plans;
 - (A1) DrNo 5188.2 Front, Rear and Side Elevation;
 - (A1) DrNo 5188.3 Section A-A, B-B and C-C;
 - (A1) DrNo 5188.4 Layout;
 - (A3) Unnumbered detail of extract duct, received 22/09/2011;
- (c) The premises shall only be open for trade between the hours of 08.00 and 23.00 on any given day. No food shall be served later than 22.00 on any given day;
- (d) Prior to its installation, full details of the extract duct terminal details shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) The use of the premises shall be restricted to Class A1 and A3/A5 and for no other purpose (including any other purpose in Class A2 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).

(Note to applicant:- Applicant was advised that the Local Planning Authority would encourage the use of the upper floors of the building, advising that the use of the upper floors for a single residential unit would not require planning permission.)

Reason for granting planning permission:-

The proposed change of use would improve the marketability of the existing retail premises, increasing the likelihood that a use could be found, which would bring the empty shop back into use, to the benefit of the vitality and viability of the town centre. Any impacts on neighbouring property would be acceptable given the town centre location and the proposal would preserve the listed building and its setting and the character and appearance of the Conservation Area. It was, therefore, in accordance with Policies S1 (General Principles) and W7 (Primary Shopping Areas), EN14 (Conservation Areas) of the Taunton Deane Local Plan, Policy 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

43/11/0076LB

Change of use from A1 retail to A3/A5 restaurant/take away and internal alterations at 17 Fore Street, Wellington

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 following approved plans:-
 - (A3) Location Plan;
 - (A1) DrNo 2011.03.02 Proposed Plans - Section and Elevations;
 - (A1) DrNo 5188.1 Ground, First and Second Floor Plans;
 - (A1) DrNo 5188.2 Front, Rear and Side Elevation;
 - (A1) DrNo 5188.3 Section A-A, B-B and C-C;
 - (A1) DrNo 5188.4 Layout;
 - (A3) Unnumbered detail of extract duct, received 22/09/2011;
 - (c) 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: Ventilation runs and terminals for WC's and kitchen extract duct, suspended ceilings, lighting regime.
- (Note to applicant:- Applicant was advised that the redecoration of the shop front and new signs are likely to require listed building consent in addition to advertisement consent.)

Reason for granting listed building consent:-

It was considered that the proposal was in line with PPS5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings. Therefore, it was considered that the listed building, its setting and any features of historic or architectural interest would be preserved, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

19/11/0003LB

Erection of single storey extension (Scheme A) to east elevation at Buttles Lodge, Village Road, Hatch Beauchamp

Reasons

- (a) The extension, by reason of its size, location, design and form, would detract from the modest, compact scale, elegant simple form, harmonious, balanced composition, self contained appearance and distinctiveness of the host building and result in an incoherent addition. As such, the proposal is deemed not to preserve the character of the listed building and hence is contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review;
- (b) Buttles Lodge is a largely unaltered example of a former lodge/estate workers dwelling. The extension, by reason of its size, form and location, would detract from the essential qualities of the host building's existing balanced

composition, debase the ready perception of its former use and existing spacious setting. In addition, it is considered that no evidence has been submitted to suggest that, if an extension was not allowed, the building would fall into disrepair or become unused. As such, the proposal is not considered to preserve the character of the Listed Building or its setting and hence contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

(Note to applicant:- Applicant was advised that a separate application for planning permission is required.)

21/10/0006

Change of use of land for siting of two mobile homes for travelling family at Carriers Gate Orchard, Higher Poleshill Farm, Langford Budville (retention)

Reason

The proposal is contrary to Policies S1, S2, S7, EN2 and EN12 of Taunton Deane Local Plan and Policies 1, 5, STR1 and STR6 of the Somerset and Exmoor National Park Structure Plan, and guidance contained with PPS1, PPS7, PPS9 and PPG13 for the following reasons:-

(i) The site is in an unsustainable location, outside of any defined settlement limit, poorly served by public transport, with no lit pedestrian footways, and is remote from services and amenities, and would therefore increase reliance on the private motorcar and foster growth in the need to travel.

(ii) The development by reason of its design and appearance is out of character with its rural setting and adversely affects the visual amenities of the area; and

(iii) No overriding evidence has been submitted to demonstrate that the applicants' accord with the definition of a 'traveller' as defined, for planning purposes, in Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites. Therefore Policy H14 of the Local Plan is not applicable in the balance of planning considerations.

Also **resolved** that enforcement action seeking the cessation of the use of the land for residential use, the removal of the caravans from the site and the reinstatement of the land to its former condition be deferred for six months to allow the applicants sufficient time to submit further details.

- 88. Development of 138 houses and apartments with associated access roads, garages and parking, together with public open space landscaping and a section of the new Western Relief Road, attenuation ponds, storm/foul sewers and cycle/footpaths at land north of Aginghills Farm, Monkton Heathfield (48/10/0072)**

Reported this application.

Resolved that subject to:-

(a) no new points of objection being raised by the occupants of 11 and 13 Sylvan Way and Llanstefan, Milton Hill, Monkton Heathfield by 12 October 2011;

(b) the receipt of acceptable internal highway layout details; and

(c) the applicants entering into a Section 106 agreement to secure the following:-

1. Transportation- A package of highway improvements including:-

- (i) The provision of a roundabout at the site access onto Milton Hill incorporating the diversion of Milton Hill and an associated pedestrian/cycle crossing of Milton Hill north of the roundabout;
- (ii) The construction of that part of the Western Relief Road (WRR) necessary to gain access into the development together with the dedication of the land for highway purposes that part of the WRR corridor within the application site not constructed for access purposes;
- (iii) Traffic management works to Dyers Lane in the form of signs, road markings etc to improve provision for cyclist and pedestrians, particularly school children;
- (iv) A Travel plan (as outlined in the County Highway Authority's comments set out in the report); and
- (v) A financial contribution of £250,000, or as otherwise agreed, towards the construction of mitigation works at the Milton Hill Junction with the A38 which if not spent shall be put towards the cost of the WRR.

2. Affordable housing - 46 units comprising:-

27 x 2 bed houses;

13 x 3 bed houses;

6 x 4 bed houses.

Ownership to be 50% social rent and 50% shared ownership.

3. Education requirements

Secondary Education:-

- The secondary education contribution to be calculated on the basis of 0.14286 pupil places per dwelling and a cost per place of £18,469;
- The contribution will be payable in two stages, a) at occupation of the 40th dwelling; and b) at occupation of the 80th dwelling. The first stage contribution shall be based on 79 dwellings and the second stage contribution shall be based on the total number of dwellings to be constructed in the development less the 79 dwellings accounted for in the first stage contribution;

- Prior to each stage payment the number of surplus places in Taunton secondary schools the previous September will be compared to the relevant figure in the following table:-

Year, September	2011	2012	2013	2014	2015
Surplus places	191	174	124	25	-54

- In the event that additional places have been added to one or more schools between the date of the agreement and the date for which the comparison is made, then any such additional places will not be taken into account. For the avoidance of doubt the existing capacities of the Taunton schools are as follows, at the date of the agreement:-

School	Net Capacity
Taunton Academy	1050
Bishop Fox's School	915
The Castle School	1219
Heathfield Community School	1181
Total	4365

- Should there be more surplus places (or a smaller deficit) than indicated in the surplus places table the contribution shall be reduced by taking account of the development's share of those additional places. The number of places for which a contribution will not be required will be the number of additional surplus places multiplied by the number of dwelling occupations in the development divided by the total number of dwelling occupations in the Taunton and West Monkton wards since February 2011;
- In the case of the second stage payment calculation, any surplus places previously discounted from the development contribution will not be discounted again.

Primary Education:-

- The primary education contribution is to be calculated on the basis of 0.20 pupil places per dwelling and a cost per place of £12,257. (The expectation is a total contribution of about £340,000.) The primary education contribution will be made in three equal payments at 15th, 40th and 80th dwelling occupation;
- All contributions are subject to indexation, using the BCIS General Building Cost Index from the date of the agreement;
- All contributions will be subject to a refund with interest of any money unspent (or uncommitted by the letting of a contract) seven years after receipt;

Discussions are continuing about whether it would be appropriate to recognise that a proportion of people moving into the affordable housing are likely to be already in the area – thus reducing the contributions required. This is agreed in principle as a possibility, but no discount has been agreed at present - this will depend on the availability of appropriately detailed information about the existing area of residence of those seeking affordable housing. If an adjustment is agreed this could be included by discounting a proportion of the affordable dwellings from the calculations set out above,

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

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A0) DrNo 1021 Site survey sheet 1 of 2;
- (A0) DrNo 1021 Site survey sheet 2 of 2;
- (A3) Masterplan;
- (A3) DrNo 0095/2010 Layout plan;
- (A0) DrNo 0900/100 Location Plan;
- (A1) DrNo 09001/001 Rev I Proposed Site Layout Plan;
- (A1) DrNo 09001/102 Rev C Enclosures plan (1 of 3);
- (A1) DrNo 09001/103 Rev C Enclosures plan (2 of 3);
- (A1) DrNo 09001/104 Rev C Enclosures plan (3 of 3);
- (A2) DrNo 09001/105 Enclosure details;
- (A0) DrNo 09001/106 Rev C Materials Plan;
- (A1) DrNo 09001/107 Rev C Storey Heights;
- (A0) DrNo Bir.3536_07 Soft Landscape Proposals Sheet 1 of 4;
- (A0) DrNo Bir.356_08A Soft Landscape Proposals Sheet 2 of 4;
- (A0) DrNo Bir.3536_09A Soft Landscape Proposals Sheet 3 of 4;
- (A0) DrNo Bir.3536_11A Soft Landscape Proposals Sheet 4 of 4;
- (A1) DrNo Bir.3536_10 A Play Area Proposals;
- (A0) DrNo 1027-999 Rev C Infrastructure Appraisal;
- (A1) DrNo SP2102_2 Rev A Lighting Design Site Roads;
- (A3) DrNo FMW0433-SK10 Milton Hill Signals;
- (A0) DrNo 09001/108 Rev B Proposed highway adoption plan;
- (A0) DrNo 09001/109 Rev B Proposed public open space adoption plan;
- (A0) DrNo 09001/110 Rev B Affordable Housing;
- (A1) DrNo 09001/200 Rev B Street Scenes;
- (A3) DrNo 09001/201 SH17 (BRICK) Plans and elevations;
- (A3) DrNo 09001/202 SH37 (BRICK) Plans and elevations;
- (A3) DrNo 09001/217 rev A H404-5 Elevations;
- (A3) DrNo 09001/218 rev A H404-5 Floor plans;
- (A3) DrNo 09001/219 rev A H406-5 Elevations;
- (A3) DrNo 09001/220 rev A H406-5 Floor plans;

(A3) DrNo 09001/221 rev AH408-5 Elevations;
 (A3) DrNo 09001/222 H408-5 Floor plans;
 (A3) DrNo 09001/223 rev A H433-5 (BRICK) Elevations;
 (A3) DrNo 09001/224 H433-5 (STONE) Elevations;
 (A3) DrNo 09001/225 rev A H433-5 (RENDER) Elevations;
 (A3) DrNo 09001/226 H433-5 Floor plans;
 (DrNo) 09001/227 H469-5 (BRICK) Elevations;
 (A3) DrNo 09001/228 H469-5 (RENDER) Elevations;
 (A3) DrNo 09001/229 H469-5 Floor plans;
 (A3) DrNo 09001/230 rev A H500-5 (BRICK) Elevations;
 (A3) DrNo 09001/231 H500-5 (STONE) Elevations;
 (A3) DrNo 09001/232 H500-5 Floor plans;
 (A3) DrNo 09001/233 H526-5 Elevations 1;
 (A3) DrNo 09001/234 H526-5 Elevations 2;
 (A3) DrNo 09001/235 H526-5 Floor plans;
 (A3) DrNo 09001/236 rev A H577-5 (BRICK) Elevations;
 (A3) DrNo 09001/237 rev A H577-5 (RENDER) Elevations;
 (A3) DrNo 09001/238 H577-5 Elevations;
 (A3) DrNo 09001/239 Garage plans and elevations 1 of 4;
 (A3) DrNo 09001/240 Garage plans and elevations 2 of 4;
 (A3) DrNo 09001/241 Garage plans and elevations 3 of 4;
 (A3) DrNo 09001/242 Garage plans and elevations 4 of 4;
 Revised Flood Risk Assessment (May2010);
 Meadfleet maintenance plan (scanned Sept 2011);
 (A3) DrNo 09001/243 Elevations (brick);
 (A3) DrNo 09001/245 Floor Plans;
 (A3) DrNo 09001/246 Elevations (brick);
 (A3) DrNo 09001/247 Elevations (render);
 (A3) DrNo 09001/248 Floor Plans;
 (A3) DrNo 09001/249 Elevations (brick);
 (A3) DrNo 09001/250 Floor Plans;
 (A3) DrNo 09001/251 Elevations (render);
 (A3) DrNo 09001/252 Plans & Elevations (brick);

- (c) Notwithstanding the submitted material details, no development shall take place until details and samples of the proposed 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 proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, surface water drainage (to prevent discharge from drives and parking directly onto the highway), car parking and street furniture 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;

- (e) 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 dwelling and existing highway unless otherwise agreed in writing by the Local Planning Authority;
- (f) No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
- (g) No part of the access drive shall be laid out at a gradient steeper than 1 in 10;
- (h) In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority;
- (i) No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the overall drainage masterplan, phasing considerations, intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details and thereafter maintained as such;
- (j) Prior to the commencement of works on site a foul and surface water drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first submitted to and approved in writing by the Local Planning Authority;
- (k) No development shall commence until a scheme for the provision and management of a buffer zone alongside the Allen's Brook watercourse within the site has been submitted to, and agreed in writing by, the Local Planning Authority. Thereafter the development shall be carried out and maintained in accordance with the approved scheme for the lifetime of the development;
- (l) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this contamination shall be dealt with and thereafter implementation of the approved measures;
- (m) Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed road will not be detrimental to the amenity of the occupants of the premises on the completed development.

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed in accordance with the approved details before the development is occupied and shall thereafter be maintained as such;

- (n) At the commencement of work on site and prior to the occupation of any dwellings hereby permitted the 20 metre buffer of woodland shown on the submitted drawings Bir.3536-07 and Bir.3536-08A shall be planted in full along the southern boundary of the site, south of the route of the new western relief road and shall thereafter be retained as such. The woodland buffer planting, retained hedgerows and the planting along Allen's Brook shall thereafter be maintained in accordance with the Meadfleet General Specifications for Public Open Space and Paved Areas maintenance plan received on 18 July 2011;
- (o) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development site for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ecology Solutions submitted report, dated June 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;
 - Measures for the retention and replacement and enhancement of places of rest for breeding birds and bats;
 - Details of a lighting strategy; and
 - A landscape and ecology management plan.

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 shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented;

- (p) Prior to the commencement of works on site details of a lighting strategy for the site shall be submitted to, and approved by, the Local Planning Authority. The lighting strategy shall incorporate the following measures:-

- 1) no night time working during the construction phase of the development in order to prevent light spill of the area;
- 2) Street lighting to be at 5m in height and shall be directed/designed to avoid light spillage and light pollution;
- 3) Lighting adjacent to features used by bats as flight corridors and foraging habitat (generally the proposed woodland buffer, hedgerows and Allen's Brook) to be directed away from those areas and no lighting provided in such areas to exceed 0.1 lux and will be;
- 4) Lights adjacent to or affecting the woodland buffer, hedgerows and

Allen's Brook shall, be LED or if not suitable, highly directional and/or light on demand. It must not be white mercury vapour or high pressure sodium types of lighting.

The lighting strategy shall be fully implemented prior to the occupation of any residential units on site and thereafter maintained in accordance with the lighting strategy unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;

- (q) The area of land within the application red line area and to the south of the buffer planting to the south of the alignment of the Western Relief Road as shown in the Taunton Deane Local Plan shall be managed as permanent pasture with attenuation ponds as shown on plan numbers Bir.3536-07 and Bir.3536-11A and shall be managed in accordance with the general guidelines contained with the submitted Meadfleet General Specifications for Public Open Space and Paved Areas maintenance plan received on 18 July 2011;
- (r) Prior to the commencement of works on site a habitat management plan shall be submitted to, and approved in writing by, the Local Planning Authority to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for lesser horseshoe bats. The management plan will cover management of the whole site and will include measures to promote the establishment of the buffer and off-site planting, such as thinning and replacement of the 'nurse crop' species (poplar and Norway spruce) with oak and ash to give a more diverse age range. Once approved the management of the site shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority;
- (s) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological work shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (t)
 - (i) The landscaping/planting scheme shown on the submitted plans Bir.3536-07, Bir.3536-08A; Bir.3536-09A and Bir.3536-11A 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;
- (u) No occupation of any of the units of accommodation shall occur until a plan indicating the positions, design, materials and type of boundary treatment to be erected adjacent to the boundary of Birds Crest has been submitted to, and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be completed before the development hereby permitted is commenced and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (v) The boundary treatment shown on drawing 09001/103B and 104B shall be completed before the dwellings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the submitted details on plan number 09001/102B, details for the boundary treatment along the eastern boundary of the site adjacent to the rear of Sylvan Way shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatment shall be completed before the dwellings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (w) Prior to the commencement of works on site a timetable for the provision of Public open space as shown on plan 09001/109 rev A shall be submitted to, and approved in writing by, the Local Planning Authority. The Public Open Space shall be provided in strict accordance with that timetable and shall thereafter be maintained at all times for the in accordance with the above plan and submitted Meadfleet Ltd General Specification for public open spaces and paved areas maintenance as scanned on 1 September 2011;
- (x) The Children's Play area and equipment shall be provided on site in accordance with the details supplied on plan number Bir.3536_10A and available for use prior to the occupation of the 68th dwelling on the site and shall thereafter be maintained as such in a safe and useable condition in accordance with the Meadfleet Ltd General Specification for public open spaces and paved areas maintenance as scanned on 1 September 2011;
- (y) 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 windows or dormers shall be inserted into the northern elevation of the dwelling or garage on plot 30 without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised that guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel LMax applies in all bedrooms during the night (2300h to 0700h); (2) Applicant was advised that the condition relating to wildlife requires the submission of information relating to protected species. The Local Planning authority will expect to see a detailed method statement stating clearly how wildlife will be protected through the development process and be provided with a method statement that will maintain favourable status for the species that are affected by the proposal. The condition also requires the submission of a landscape and ecological management plan for the site. It should be noted that the protection afforded to species under the UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the development site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (3) Applicant was advised that all new surface water discharges made direct to a watercourse must terminate in a properly constructed outfall for which the separate consent of the Environment Agency may be required. The applicant is advised to check with us as to whether any Flood Defence Consents are required for any detailed proposals. For information, under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written

consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 m of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991; (4) Applicant was advised that there must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively; (5) Applicant was advised that any waste brought into or disposed of off site will be subject to an Environmental Permit or Exemption which must be obtained from the Environment Agency; (6) Applicant was advised that the buffer planting shall be in accordance with the requirements of the Habitats Regulations Assessment. In order to protect the "offset" planting area from light noise or other disturbance no new footpath, cycle or vehicular links should be provided through the buffer. Such links would require planning permission.)

Reason for planning permission, if granted:-

The proposal, for residential development, was located on a Taunton Deane Local Plan allocated site where the principle of new housing was considered acceptable. It was considered that the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies T8 (Major site allocation); T10 (North of Avinghills Farm); S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

Also **resolved** that in the event that the Section 106 Agreement was not signed within three months from the date of the meeting, the Growth and Development Manager be authorised to refuse planning permission or agree an extension of time within which the agreement should be signed.

89. Erection of 39 dwellings and associated parking, access and landscaping at Station Farm, Station Road, Bishops Lydeard (06/11/0032)

Reported this application.

Resolved that subject to:-

(A) The applicants entering into a Section 106 Agreement to secure:-

- (i) 8 affordable homes (prior to no more than 20 open market houses being occupied);
- (ii) The transfer of Land to West Somerset Railway for the provision of tourism facilities related to the functions of a Heritage Railway;
- (iii) The provision of a Tourist Information Facility; and
- (iv) A commuted sum of £104,832 to provide off-site children's play facilities or securing alternative provision of 760 square metres of play space to include a LEAP within the vicinity. The definition of 'vicinity' would be

identified on plan to include the wider area of applications set out in the site history. The phasing would require the play facility or commuted sum to be provided prior to the occupation of no more than 75% of the development; and

(B) The resolution of the County Highway Authority's comments in respect of the technical points made in terms of the internal layout,

the Growth and Development Manager be authorised to consider the requirements of the County Highway Authority and determine the application in consultation with the Chairman or Vice-Chairman and if planning permission was granted, the following conditions together with any additional highway conditions which were considered necessary be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule CD1092 received 27 September 2011;
- (c) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of the development or as agreed in writing by the Local Planning Authority.
The above scheme shall also include full details of the operation and management strategy of the Sustainable Drainage Scheme to be submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall be carried out in accordance with the approved details thereafter;
- (d) Finished floor levels of the development shall be set no lower than 51.8m AOD;
- (e) Prior to their installation, details or samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority, and retained thereafter;
- (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 structural planting along the site boundaries shall be retained and supplemented in accordance with the agreed landscaping scheme and shall be maintained in accordance with a maintenance strategy. The aforementioned strategy shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development on site and shall also set out the maintenance and management of the grass verges and landscaped areas held in common (as identified on a plan to be submitted to, and agreed in writing, by the Local Planning Authority).
(iii) The landscaping 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.

- (iv) 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. The agreed scheme shall be completely implemented in accordance with a phasing schedule, to be submitted to and agreed in writing, before the development to which that part of the phasing relates is occupied;
- (h) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees and hedges 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. Such fencing shall be erected prior to commencement of any other site operations and 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;
- (i) No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority;
- (j) No trenching works shall be undertaken within the canopy spread of existing trees unless agreed in writing by the Local Planning Authority. Any trenching works shall be carried out in accordance with the approved details and shall be hand dug with good quality topsoil used to backfill the trench and compacted without using machinery;
- (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no garage shall be erected on the site without the further grant of planning permission;
- (k) Notwithstanding the provisions of the Town and Country Planning General
- (l) Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwelling house(s) or of the exposed flank wall of any corner dwelling without the further grant of planning permission unless indicated on the approved plans;
- (m) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a) to c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

a) Site Characterisation - An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site,

whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages. If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme - If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works - Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance - If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

- (n) Prior to the commencement of the development hereby permitted full details of the proposed access, footways (to include providing a suitable cross over point to the existing northern footway) and visibility splays from the site onto Greenway Road, shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details and visibility splays shall be fully implemented in accordance with the agreed details before any part of the development is occupied and shall thereafter be maintained as such. No further access shall be provided into the site;
- (o) The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, carriage gradients, drive gradients, car parking, street furniture and turning spaces shall be provided and laid out in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted and agreed by the Local Planning Authority;
- (p) The area allocated for visitor parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the development is occupied, or as agreed in writing by the Local Planning Authority, and shall not be used other than for the parking of vehicles;
- (q) Not more than 50% of the open market housing shall be occupied until the following highway works:-

- Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
- The provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge; and
- The provision of a new roundabout at the junction of Station Road and the A358,

have been constructed in strict accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority.

- (r) No development shall commence 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 EAD's Ecological assessment and up to date ecological surveys and include:-

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stage of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;
3. Measures for the enhancement of places of rest for breeding birds and bats;
4. Details of a lighting strategy; and
5. A landscape and ecological management plan.

Once agreed, the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (s) Prior to its construction and installation details of the design, colour and materials of the electric substation and sewage pump station shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried in accordance with the agreed details;
- (t) 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(s) shall be installed in the side (north) elevation of Plot 15 and side (west) elevation of Plot 10 hereby permitted without the further grant of planning permission.

(Notes to applicant:- Applicant was advised that the principles of a suitable surface water drainage scheme has previously been set out and agreed with the Environment Agency in the Flood Risk Assessment (FRA) submitted with the previous application 06/07/0027. In seeking to discharge the surface water drainage condition, these principles should be transposed into a detailed drainage design and confirmation of maintenance responsibilities provided; (2) Applicant was advised to contact the County Highway Authority at the earliest opportunity to agree the off-site highway works to avoid any subsequent delay in the development process.)

Reason for planning permission if granted:-

The proposed development would bring forward tourist related development which would support the long term aspirations of the West Somerset Railway, a key economic tourism and heritage resource within the Borough, in line with Taunton Deane Local Plan Policy EC22 (Land West of Bishops Lydeard Station), and would also deliver a proportion of affordable housing, for which there was an identified need in the Parish. The principle of the development had been established by application 06/07/0027. The revised design, layout and landscaping were considered acceptable as an alternative scheme whilst securing the economic and highway benefits in association with the West Somerset Railway.

Also **resolved** that in the event that the Section 106 Agreement was not signed within three months from the date of the meeting, the Growth and Development Manager be authorised to refuse planning permission or agree an extension of time within which the agreement should be signed.

90. Breach of Conditions and Unilateral Undertaking (Section 106) at the Old Cider Factory, Norton Fitzwarren (25/06/0020)

Reported that the above site was a residential development site in the centre of Norton Fitzwarren.

Permission had been granted in 2007 for the redevelopment of the former cider factory to provide 389 dwellings, a village centre, part of the Norton Fitzwarren relief road and employment buildings.

To date, two of the developers, Barratt and Bellway were believed to have constructed 192 dwellings, with 171 understood to be occupied.

In 2008, following the commencement of development, various breach of condition notices were served in respect of the development. Those relevant conditions had since been complied with, insofar as the relevant required information had been submitted.

However, over the last few years, The Council had worked closely with the developers in order to seek to secure delivery of the remaining outstanding matters, in particular:-

- Delivery of the Local Centre;
- Provision of a formalised junction for the estate with the B3227;
- Provision of a pedestrian crossing over the B3227; and
- Various on and off site flood works.

These matters had been outstanding for some time due to various delays in the developer agreeing the required highway works with Somerset County Council as part of a Section 278 (Highways) agreement. It did appear however that the various matters between the parties had now been resolved.

At the present time, there was a breach of the following conditions:-

12 – Provision of children's play facilities;

- 26 – Details of the design and appearance of bridge abutments;
- 32 and 34 – Agreement of design and implementation of on-site flood management works;
- 36 – Submission of a flood management manual;
- 38 – Agreement of details and provision of a flood wall to existing properties on Station Road;
- 40 – Raising of the B3227 (off-site) to reduce the risk of flooding;
- 50 – Submission of an ecological management plan;
- 52 – Provision of a pedestrian crossing over the B3227; and
- 54 – Provision of a trespass resistant fence adjacent to the railway.

It was clearly in the public interest to ensure that the local centre and necessary facilities for the new residents were provided at an early date. It was also clearly in the public interest to ensure that the new development was safe from flooding and had a safe means of access to the public highway.

It was, therefore, recommended that authority be granted to the Solicitor to the Council to institute injunction proceedings in the event that over 50% of the dwellings became occupied before these matters were addressed. It was also recommended that the Solicitor to the Council be authorised to serve enforcement notices in respect of the outstanding highway works and that breach of condition notices were served in respect of the outstanding on site flood-related conditions.

Further recommended that a timetable for delivery of the outstanding works with the developer be agreed with the relevant parties with the Committee's authority to take the necessary action in the event that the timetable was not adhered to.

Resolved that in the event that either:-

A: a timetable for the delivery of works agreed between the developer and the Council was not adhered to; or

B: in the event that no agreement over an acceptable timetable for the outstanding works was reached by 14 October 2011:-

(i) The Solicitor to the Council be authorised to serve an Enforcement Notice(s) and take prosecution action in the event that it is not complied with in respect of the following outstanding works:-

- a. The raising of the B3227 to reduce the risk of flooding (required by condition 40);
- b. The provision of a pedestrian crossing over the B3227 (required by condition 52);

(ii) The Solicitor to the Council be authorised to institute injunction proceedings over failure to deliver the local centre in the event that 50% occupations was reached;

(iii) No action be taken at the present time in respect of conditions 12, 36, 50 and 54;

(iv) No further action be taken in respect of conditions 26, 32, 34, 38 or 53.

91. Appeals

Reported that three new appeals had been lodged, details of which were submitted. Also reported that one appeal decisions had been received, details of which were also submitted.

(The meeting ended at 8.50 pm)