

## Planning Committee – 1 December 2011

- Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, C Hill, Mrs Hill, Miss James, Morrell, Tooze, Watson, Ms Webber, A Wedderkopp, D Wedderkopp and Wren
- Officers:- Mr T Burton (Growth and Development Manager), Mrs J Moore (Major Applications Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager and Mr R Bryant (Democratic Services Manager)

(The meeting commenced at 5.00 pm)

### 120. Apologies/Substitution

Apologies: Councillors A Govier, Mrs Messenger, Mrs Reed and Mrs Smith  
Substitution: Councillor Ms Webber for Councillor Mrs Reed

### 121. Declarations of Interest

Councillor D Wedderkopp declared personal interests as a Member of Somerset County Council and a member of the Somerset Waterways Trust. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared personal interests as an employee of Viridor and as a member of the Somerset Waterways Trust. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillors Mrs Allgrove and Bishop declared personal interests as members of the Somerset Waterways Trust. Councillor Ms Webber declared personal interests both as the Chairman of Cheddon Fitzpaine Parish Council and as a tenant of the Crown Estate.

### 122. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager concerning applications for planning permission and it was **resolved** that they be dealt with as follows:-

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

**31/11/0026**

**Erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse, extension of car park and temporary erection of two tents at Woodlands Castle, Ruishton**

#### **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 22912/001/100 Rev B General Arrangement;  
(A4) DrNo 694B/01 Location Plan;  
(A1) DrNo 694B/02B Existing Site Plan;  
(A1) DrNo 694B/04 Existing Lower Ground Floor Plans;  
(A1) DrNo 694B/05 Existing Ground Floor Plans;  
(A1) DrNo 694B/06 Existing First Floor Plans;  
(A1) DrNo 694B/07 Existing Elevations 1/2;  
(A1) DrNo 694B/08 Existing Elevations 2/2;  
(A1) DrNo 694B/09 Existing Sections;  
(A1) DrNo 694B/10 Proposed Lower Ground Floor Plans;  
(A1) DrNo 694B/11 Proposed Ground Floor Plans;  
(A1) DrNo 694N/12 Proposed First Floor Plans;  
(A1) DrNo 694B/13 Proposed Elevations 1/2;  
(A1) DrNo 694B/14 Proposed Elevations 2/2;  
(A1) DrNo 694B/19 Proposed Temporary Marquee;  
(A1) DrNo 694B/15A Proposed Sections;

- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of a Bat Emergence Survey to be carried out, and Michael Woods Associates Ecological Survey dated July 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 bats and nesting birds could be harmed by disturbance; and
  - Measures for the enhancement of places of rest for nesting birds and possibly bats.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of a new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (f) Noise from amplified music or speech from the licensed premises shall not be audible at the points marked A, B and C on the attached plan at any times. This condition shall not apply to amplified broadcasts made in connection with evacuation of the premises in the event of fire or other emergency;
- (g) A Green Travel Plan shall be submitted prior to the new temporary or permanent facility being brought into use and subsequently shall be implemented in accordance with the action plan specified unless otherwise agreed in writing by the Local Planning Authority. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan and the Travel Plan shall be carried out as approved;
- (h) The bollards to close the old access drive shall be maintained at all times;
- (i) The reinstatement of the boundary wall of the walled garden shall be carried out prior to the new permanent conference building being brought into use;
- (j) The two temporary tents hereby permitted shall be removed from the site on or before 31 May 2016;
- (k) Prior to construction of the new pergola and paved terrace details of the existing and proposed ground levels shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) There shall be no fireworks or Chinese lanterns used at the site unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

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

The principle of expanding an existing business use outside defined settlement limits was considered acceptable and the proposal was considered not to harm visual or residential amenity or the character and setting of the listed building and was therefore considered to be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, PPS5, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, and accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Development Outside Settlements), EC2 (Expansion of Existing Firms on Land Subject to Restrictive Policies), EC6 (Conversion of Rural Buildings) and EC7 (Rural Employment).

**Erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse and temporary erection of two tents at Woodlands Castle, Ruishton**

**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:-
  - (A1) DrNo 22912/001/100 Rev B General Arrangement;
  - (A4) DrNo 694B/01 Location Plan;
  - (A1) DrNo 694B/02B Existing Site Plan;
  - (A1) DrNo 694B/03C Proposed Site Plan including Landscaping;
  - (A1) DrNo 694B/04 Existing Lower Ground Floor Plans;
  - (A1) DrNo 694B/05 Existing Ground Floor Plans;
  - (A1) DrNo 694B/06 Existing First Floor Plans;
  - (A1) DrNo 694B/07 Existing Elevations 1/2;
  - (A1) DrNo 694B/08 Existing Elevations 2/2
  - (A1) DrNo 694B/09 Existing Sections;
  - (A1) DrNo 694B/10 Proposed Lower Ground Floor Plans;
  - (A1) DrNo 694B/11 Proposed Ground Floor Plans;
  - (A1) DrNo 694N/12 Proposed First Floor Plans;
  - (A1) DrNo 694B/13 Proposed Elevations 1/2;
  - (A1) DrNo 694B/14 Proposed Elevations 2/2;
  - (A1) DrNo 694B/15 Proposed Sections;
  - (A1) DrNo 694B/19 Proposed Temporary Marquee;
- (c) No boundary wall works to the walled garden shall begin until a panel of the proposed stone/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) Before any works on the building are undertaken a precise schedule of the repairs shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved schedule including timing being strictly adhered to in the implementation of the approved work, unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (e) 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: glass house; glazed link; covered walkway; staircase in estate equipment store; new window to male WC's; doors; architraves; glazing to function room; platform lift; and finished treatment/s for all joinery/ timberwork.

**Reasons for granting listed building consent:-**

It was considered that the proposal was in accordance with Section 16 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 and was in line with PPS5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy CP8 of the Taunton Deane Core Strategy in respect of proposals relating to listed buildings.

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

**08/11/0018**

**Outline application for residential development on land to the east of Tudor Park, Maidenbrook Farm, Taunton**

### **Reasons**

- (a) 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 in separating the settlements of Taunton and Monkton Heathfield and would represent an undesirable contribution towards the coalescence of the two settlements and is considered to be contrary to Somerset and Exmoor National Plan Policy STR1 and Taunton Deane Local Plan Policies EN13 and regulation 30 Published Core Strategy Policy CP8 furthermore it is considered that the additional 125 dwellings that could be provided as a result of these proposals is not of sufficient weight to outweigh the detrimental impact of the proposals on the above policies;
- (b) The proposed development of this open green field 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 and Regulation 30 Published Core Strategy Policy CP8;
- (c) 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) and Published Core Strategy Policy CP4;
- (d) The development is expected to result in a need for an additional primary and secondary school places. The existing primary school and secondary schools have 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 and Regulation 30 Published Core Strategy Policy CP7;
- (e) The proposal does not include the provision of contributions towards adequate recreation space, playing field provision or community hall requirements and does not comply with the requirements of Taunton Deane Local Plan Policy C4 and Regulation 30 and Published Core Strategy Policy SP2;
- (f) The proposal does not include the required package of off site highway work or travel plan contributions as listed in the report and as such does not comply with Taunton Deane Local Plan Policy S1, Somerset and Exmoor National Park Structure Plan Policy 49 and Core Strategy Policies SP2 and SP6.

Note - In the event that a Section 106 Agreement was submitted which provided acceptable provisions for affordable housing, highways, education, leisure and recreation, refusal reasons (c), (d), (e) and (f) would be withdrawn.

**123. Erection of up to 580 residential dwellings, live-work units, retail space, other mixed use development and open space to include play areas and linear park, and associated landscaping at land off Nerrols Drive, Taunton (08/11/0024)**

Reported this application.

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

- (1) 25% affordable housing to be split in accordance with the Core Strategy;
- (2) The following transport related requirements:-
  - Contributions to works to be carried out by Somerset County Council at Creech Castle Junction, Venture Way Roundabout, Priorswood Roundabout and the Wickes Roundabout. These contributions are yet to be agreed with the developer;
  - The design, construction and funding of four Right Turn Lane Access Junctions into the site, three from Nerrols Drive and one from the A3259;
  - The Protection of a route through the development from Nerrols Drive to land to the north;
  - Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the Section 106 Agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a Full Travel Plan schedule which contains a range of measures including the funding of a travel plan co-ordinator, personal travel planning, a car club and scheme for residential cycle parking;
  - Highways works in support of the travel plan including:-
    - (i) land within the development and provision of land within the extended highway width on the A3259 for a cycle and walking link to along the southern edge of the site between the Crown Medical Centre Roundabout and the existing footway/cycleway on Yallands Hill;
    - (ii) footway improvements to along the eastern side of Nerrols Drive to connect the existing footway to the Crown Medical Centre Roundabout; and
    - (iii) safe controlled pedestrian and cycle crossing points across Nerrols Drive at two locations (north and south) and two locations across the A3259 at the Crown Medical Centre Roundabout and Yallands Hill;

- Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices;
  - Travel information contribution of £35,000 to assist the Somerset County Council in providing smarter travel information material and resources in co-ordination with other neighbouring developments in north Taunton and Monkton Heathfield with relevant cycle leaflets and bus timetables as part of travel information packs and towards the County Council's costs in adapting its online bus journey planner for residents;
  - A contribution of £260,000 to cycleway connectivity and signage improvements between the site and neighbouring destinations;
  - A personal travel planning and travel plan co-ordinator contribution of £250,000 to assist in the implementation of the developer's travel plan and enable co-ordination with a strategic area-travel plan for other development in north Taunton and Monkton Heathfield;
  - A car club contribution of £50,000;
  - A smarter travel management fund of £25,000 to aid with the ongoing provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan co-ordinator promote sustainable travel during the life of the travel plan, and should targets not be met to provide further remedies.
  - Ten fully-equipped bus stops featuring hard standing, licensed shelters and cycle parking on each side of the A3259 (1 pair) and Nerrols Drive (4 pairs) on the stops adjacent to the development site with a commuted maintenance sum; and
  - A Travel Plan Fee of £4000 to assist Somerset County Council's role in supervising the implementation of the travel plan as a one-off payment;
- (3) Education contributions which must include a site for a new primary school plus contributions for secondary school places and pre-school (based on the formula listed in the consultation response contained in the Committee report);
- (4) Country Park - Offsite commitment for green wedge land beyond the application site; and
- (5) Drainage - Maintenance of the surface water attenuation ponds,

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) Approval of the details of the layout, scale, appearance, boundary treatments and internal access of the site (hereinafter called "the reserved matters") shall

be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo 21262-L-229 Figure 3 Illustrative Masterplan;
- (A3) DrNo 21262-L228 Figure 1 Site Location Plan;
- (A1) DrNo 21262-L181b Figure 2 Planning Application Site Boundary;
- (A3) DrNo 21262-L231 Figure 4 Land Use Budget;
- (A3) DrNo 29392-L09 Revised Illustrative Masterplan (November 2011);
- (A3) DrNo 29392-L07 Preliminary Highway Design Option1;
- (A3) DrNo 29392-L08 Preliminary Highway Design Option 2;
- (A3) DrNo 29392-L88 Rev A Proposed Site Access/A3259;
- (A3) DrNo 29392-L87 Rev A Proposed Site Access/ Neighbourhood Centre;
- (A3) DrNo 29392-L85 Rev A Proposed Site Access/Southern Access, Nerrols Drive;
- (A3) DrNo 29392-L189a Junction 2 Priorswood Roundabout Mitigation;

- (d) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting (taking account of the wildlife mitigation requirements), sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, 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) No development shall take place on the site until there is submitted to, and approved in writing by, the Local Planning Authority, a Design Code for the site in its entirety. The Design Code shall be approved prior to the approval of any reserved matters application submitted in association with this permission.

The Design Code shall include detailed codings for:-

- Architectural and sustainable construction principles;
- Character Areas, street types and street materials;
- Block types and block principles;
- Renewable and energy efficiency measures;
- Principles of internal highways, cycle-ways and footpaths;
- Car and cycle parking principles;
- Building types, heights and materials;
- Boundary treatments and surface treatments;



- (f) Prior to the commencement of works on site, details for the parking of motor vehicles shall be submitted to, and approved in writing by, the Local Planning Authority. The approved parking shall be provided on site prior to the occupation/commencement of use of the building to which it relates and shall thereafter be maintained;
- (g) The development shall provide for covered and secure cycle storage facilities, details of which shall be indicated on the plans submitted in accordance with the condition above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (h) The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (i) Prior to the commencement of the development a landscape strategy and management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping strategy shall include details of the proposed structural and internal landscaping and the proposed phasing of any landscaping works. The landscape management plan shall include a maintenance plan specifying the extent and timing of grass cutting, shrub pruning and tree maintenance. The landscape strategy shall thereafter be implemented on site in accordance with the approved strategy and a management plan unless otherwise agreed in writing by the Local Planning Authority;
- (j) Prior to the commencement of works on site, details of a Country Park to the east of the site, and as illustrated on the submitted masterplan, a timetable for its provision on site and its future management regime shall be submitted to, and approved in writing by, the Local Planning Authority. The Country Park shall thereafter be provided in accordance with the approved details unless a variation is first submitted to, approved in writing by, the Local Planning Authority. The submitted details shall be in general accordance with the design brief attached to the certificate;
- (k) Prior to the commencement of works on site, details for the multi purpose green necklace around the boundary of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include the provision of land for outdoor recreation in addition to the buffer planting required for wildlife mitigation purposes;
- (l) Prior to the commencement of works on site, full details of the public open space and children's play areas in accordance with Taunton Deane Local Plan Policy C4 (to include one Local Equipped Area for Play (LEAP) and one Neighbourhood Equipped Area for Play (NEAP)) with details of their size, location, equipment and future management shall be submitted to, and approved in writing by, the Local Planning Authority. The public open space and play areas shall thereafter be provided and maintained in strict accordance with the approved details unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (m) Before any part of the development hereby permitted is commenced a plan showing:-
  - (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed

- and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2005); and
- (ii) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;
- (n) 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;
  - (o) 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;
  - (p) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
  - (q) 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 development 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;
  - (r) Prior to any reserved matters approval, a detailed surface water drainage strategy must be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be generally in accordance with section 4.6.2 and figure 4.1 of the approved Flood Risk Assessment (prepared by Entec UK Ltd and dated December 2010) and include details of the phasing and timing of the surface water infrastructure as well as the maintenance regime and responsibilities. The scheme shall be subsequently implemented and maintained in accordance with the approved details;
  - (s) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance. Where remediation is necessary a remediation scheme must be prepared in accordance with the above authoritative guidance and submitted for approval in writing by the Local Planning Authority and such scheme shall be implemented prior to the occupation of any units that would be affected by the contaminated area;

- (t) Prior to the commencement of any development works on site, the applicant shall submit details of a sound reduction scheme based on the noise assessment in the Environmental Statement, Entec UK Ltd, December 2010 (Ref 21262rr113). This shall include details of the glazing and ventilation to be used to achieve the “good” standard for internal noise levels as detailed in British Standard 8233, for residential premises on the development, and the calculations and reasoning upon which any such scheme is based. The report is to be accepted in writing by the Local Planning Authority prior to commencement of development works and the accepted works carried out in accordance with the approved sound reduction scheme prior to occupation, and maintained as such thereafter, unless an alternative is first agreed in writing by the Local Planning Authority;
- (u) Prior to the commencement of works on site details of a foul 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;
- (v) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating 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. Drainage designs shall ensure that surface water from each plot, phase or parcel of land is attenuated to the 1 in 2 year Greenfield Runoff rate (4.55 l/s/ha) for all storm events up to and including the 1 in 100 year plus climate change event. The scheme shall subsequently be implemented and completed in strict accordance with the approved details before any built development commences on site;
- (w) No development shall take place on land to which reserved matters relate until a scheme for finished floor levels for each plot, phase or parcel of land has been submitted to, and agreed in writing by, the Local Planning Authority. The finished floor levels of the built development shall be set no lower than 150mm above the existing ground level on site;
- (x) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife and their habitats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Entec's Environmental Statement dated December 2010 and up to date surveys 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes, bat

boxes and the bat house and related accesses have been fully implemented. Thereafter the bird boxes, bat boxes and the bat house and related accesses shall be permanently maintained in a useable condition;

- (y) Prior to the commencement of works on site, details of an annual monitoring scheme, to be undertaken by the applicant, for the woodland and buffer planting areas, as outlined on condition (z) below shall be submitted to, and approved in writing by, the Local planning Authority. The monitoring scheme must aim to ascertain the effectiveness of the planting to provide suitable replacement foraging habitat for the Lesser Horseshoe Bats from the Hestercombe Special Area of Conservation (SAC). Prior to the commencement of phase 2 of the development, as outlined in the design and access statement, full details of the findings of the monitoring scheme shall be submitted to the Local planning Authority. No works in association with phase 2 shall take place until it is agreed by the Local Planning Authority that the mitigation planting is functional, i.e. is providing adequate habitat mitigation for the loss of habitat for the Lesser Horseshoe Bats from the Hestercombe SAC resulting from the development. In the event that the planting does not provide adequate replacement habitat, the applicant shall submit a revised mitigation scheme designed to rectify any inadequacies that have been identified;
- (z) No development shall take place on site until a scheme for the mitigation of the impact on the Lesser Horseshoe Bat from the Hestercombe House SAC colony is submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the following:-

1. Details for the provision of a 20 m buffer of woodland around the northern and eastern boundaries of the site, which will connect with the retained tree belt on the eastern side of the Maiden Brook. This must be designed to form a continuous unlit corridor around the perimeter of the site, to provide the opportunity for light sensitive bat species (including Lesser Horseshoe Bats) to commute around the site, and to provide additional foraging habitat. The submitted details shall include a planting schedule and layout for the 20m buffer planting that must conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). The agreed on-site buffer planting shall be installed no later than year one of Phase 1a of the proposed development and advanced stock (Extra Heavy Standards) will be used, with the objective of ensuring that 40% of trees reach a height of 5.5m before commencement of Phase 2 of the development.
2. Details showing the retention and incorporation of the existing hedgerows on the boundaries of the development facing open countryside into the buffer planting.
3. Details for the retention of trees, hedgerows and scrub around Nerrols Farm.
4. Details of any proposed paths and cycleways through the buffer. These must be designed no wider than 3m and to go diagonally through the buffer and will not be lit.
5. The scheme shall show that all buildings, gardens, roads and footpaths will be offset from the buffer planting and the Maiden Brook by a minimum of 5m.
6. Details for the retention of the trees and mature hedgerows surrounding Nerrols Farm and plans to ensure its connectivity to the farmland to the north of the farm buildings.
7. Details for the provision of a 20m woodland buffer between Nerrols Farm and its ancillary farm buildings and the development site as indicated on the

illustrative masterplan, in order to retain the suitability of the farm for Lesser Horseshoe Bats, both as a foraging area and a potential night roost.

8. Details for the creation of an area of 3.15 hectares for off-site woodland planting using the methodology described in the, based upon the current site boundary and habitat data provided in the baseline ecology report (Entec 2010b). The planting schedule and layout of the off-site planting will conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). To minimise the time taken to achieve functionality, the off-site planting will be installed no later than year one of the proposed development.

9. Details for the preparation and implementation of a habitat management plan to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for Lesser Horseshoe Bats. The management plan must cover management of the whole site, plus the off-site compensation areas for a period of 25 years from completion of the works and must include measures to promote the establishment of the buffer and off-site planting, such as thinning and the replacement of 'nurse crop' species (Poplar and Norway Spruce) with Oak and Ash to give a more diverse age range. It is proposed that the preparation and implementation of the management plan be secured by a planning condition.

10. Details for the provision of a purpose-built bat house to provide roosting opportunities for a variety of bat species, including Lesser Horseshoe Bats, in compensation for the loss of the barn to the west of Nerrols Farm. The bat house should be designed so that it does not induce a maternity colony to set up which might replace and undermine that of the Hestercombe House roosts.

11. Details of a lighting strategy to minimise the effects on Lesser Horseshoe Bats (and other bat species), and must incorporate the following:-

- No night-time working during the construction stage of the development;
- Street lighting that is no higher than 5m, directed away from the landscape;
- Landscape buffers and hedgerows designed to avoid light spillage and pollution;
- Lighting adjacent to features used by bats as flight corridors and foraging habitat (namely the woodland buffer strip, hedgerows, the Nerrols Farm access road and Maiden Brook) will be directed away from these features and lighting levels will be as low as legally permissible;
- Lighting will not be of the white mercury vapour or high pressure sodium types. Where possible, LED, highly directional and/or 'light on demand' forms of lighting will be used.

Once approved the development shall proceed in accordance with the timings agreed in the above scheme and shall thereafter be maintained as such unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;

- (aa) Prior to the submission of a reserved matters application for phase 2 of the development site, details showing the provision of a minimum of 660m<sup>2</sup> of employment land for Class "B1" business uses as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) on the application site, or adjacent land known as Nerrols Farm, and the timing of its provision

- shall be submitted to, and approved in writing by, the Local Planning Authority;
- (bb) Reserved matters submissions for phase 2 of the development, as defined in the design and access statement shall include a highway, footpath and cycleway links up to the boundary of the site with the land to the north and north west;
  - (cc) Prior to the submission of any reserved matters application in connection with this permission a detailed Energy Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The statement shall include details an investigation into the feasibility and viability of providing a suitably located energy centre in order to provide locally generated electricity to serve the whole allocated site;
  - (dd) 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;
  - (ee) No development hereby permitted shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
  - (ff) No work shall commence on the development hereby permitted until detailed plans and specifications of the access junctions have been submitted to, and approved in writing by, the Local Planning Authority in conjunction with the Somerset County Council. Thereafter no part of the development shall be occupied until the relevant access junction serving that part of the development has been fully constructed in accordance with the approved details and opened for use by traffic unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
  - (gg) No development shall take place on Phase 2 of the land until details of a Link Road to the land to the north/north-west and its junction with Bossington Drive have been submitted to, and agreed in writing by, the Local Planning Authority in conjunction with the County Highway Authority;
  - (hh) No development shall commence until plans showing the land to be dedicated as Public Highway on the A3259 frontage have been submitted to, and approved in writing by, the Local Planning Authority;

(Notes to applicant:- (1) Applicant was advised that in connection with Condition (i) the Local Planning Authority expect the landscape scheme to include the following :-  
a) earth mounding in order to provide additional screening around the perimeter of the site; b) a minimum distance of 25m between any trees and the listed buildings;  
c) the planting scheme must be in keeping with the requirements of the Flood Risk Assessment (FRA) mitigation; d) footpath links throughout the site including footpath links and footbridges to the green open space adjacent to Maiden Brook;  
(2) Applicant was advised that regarding Condition (k) the provision of land for allotments shall be based on the Council's Allotment Policy for 15.4m<sup>2</sup> per dwelling;  
(3) Applicant was advised that the above drainage conditions have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which shows discharge rates, storage volumes and SuDs control measures for each catchment and the subsequent phases of development. The strategy will need to be supported by Micro-drainage calculations for all storm periods up to and including for the 1 in 100 year event plus climate change. Details of the existing and proposed surface water drainage system will

need to be provided. It must be demonstrated that all surface water features are located in Flood Zone 1 and this should be supported by site levels compared against the predicted 1 in 100 year event. The timing / phasing of surface water infrastructure is critical to ensure that all surface water is attenuated for as the development comes forward. The drainage infrastructure for each plot will need to be completed before any built development occurs on site to ensure that surface water flooding is not increased at any stage of development. Any exceedance flows, routes and depths must be mapped and addressed to ensure that the development is safe from flooding. The strategy must include details of the re-configuration of the two existing dry surface water attenuation basins on site. This must be undertaken in line with Section 4.7 of the FRA and Figure 4.1 of the FRA. Details must also be submitted to demonstrate that the capacity of the surface water drainage features are sufficient so that the attenuation features will not be exceeded. The risk of increased surface water flooding during all stages of development must be addressed. Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow approval for any detailed layout proposals to be recommended; (4) Applicant was advised that in regard to Condition (w) a topographic survey of the existing site together with proposed floor levels that are set 150mm or more above the existing levels should be supplied; (5) Applicant was advised that any works within the channel of the Maiden Brook (i.e. the surface water outfalls from the ponds) are likely to require Flood Defence Consent from the Environment Agency. All works in or near the channel should be undertaken in accordance with our Pollution Prevention Guidance Note 5 which is available on the Agency's website. Any waste used on site or taken off site will be subject to the appropriate Licences and Exemptions required from the Environment Agency; (6) Applicant was advised that the buffer planting around Nerrols Farm, should ensure that an appropriate distance is provided between the planting and the listed building in order to protect the setting and structures of the listed complex.)

### **Reasons for planning permission, if granted:-**

The proposal was considered as an interim proposal in order to maintain an acceptable supply of housing land. It was generally in keeping with the Regulation 30 published Core Strategy and would result in an acceptable mixed use development with acceptable highway access and good transport links to existing services in accordance with Taunton Deane Regulation 30 Core Strategy published plan Policy SS2.

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.

(The meeting ended at 6.43 p.m.)