

Planning Committee – 15 August 2012

Present: - Councillor Nottrodt (Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Brooks, Denington,
Mrs Floyd, Mrs Hill, Horsley, Miss James, Mrs Reed, Watson,
A Wedderkopp, D Wedderkopp and Wren

Officers:- Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Maria Casey (Planning and Litigation Solicitor), Tracey Meadows (Corporate Support Officer)

Also present : Councillor Stone in connection with application No 16/12/0001

(The meeting commenced at 5.00 pm)

99. Apologies/Substitutions

Apologies: The Vice-Chairman (Councillor Coles) and Councillors A Govier, C Hill, Mrs Messenger, Morrell, Mrs Smith and Tooze

Substitutions: Councillor Mrs Floyd for Councillor Coles
Councillor Mrs Reed for C Hill
Councillor Brooks for Mrs Smith
Councillor Horsley for Councillor Tooze

100. Minutes

The minutes of the meeting of the Planning Committee held on 6 June 2012 were taken as read and were signed.

101. Declarations of Interest

Councillors Brooks and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Wren declared a personal interest as an employee of Natural England. He also declared that he had been telephoned by the applicant in respect of application No 27/12/0019 but considered that he had not fettered his discretion. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Bowrah declared prejudicial interests in application Nos 43/12/0068 and 43/12/0067 as he knew the applicant. He left the room during the consideration of these applications.

102. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager

on applications for planning permission and it was **resolved** that they be dealt with as follows:-

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

43/12/0068

Erection of 3 No. two bedroomed cottages with all associated works at land to the end of Trinity Row, 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:-
- (A4) DrNo 12/152/1000 Location Plan;
 - (A3) DrNo 12/152/500 Existing Site Plan;
 - (A3) DrNo 12/152/100b Proposed Details;
 - (A3) DrNo 12/152/101d Proposed Details;
 - (A3) DrNo 12/152/501a Proposed Site Plan; and
 - (A3) DrNo 12/152/201 Section;
- (c) Prior to the occupation of the dwelling hereby permitted, full details of proposed facilities for the secure storage of bicycles shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented before the dwellings hereby permitted are occupied and shall thereafter be retained as such;
- (d) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect birds and reptiles has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Acorn Ecology Limited's submitted reports, dated 30 May and 13 June 2012 and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
 - Measures for the retention and replacement and enhancement of places of rest for the species.
- Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for birds and reptiles 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 have been fully implemented;
- (f) 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 additional windows shall be added to the dwellings hereby permitted without the further grant of planning permission;
- (g) Before the development hereby approved is first occupied, an information pack shall be compiled and provided detailing local bus services and other sustainable transport facilities in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The information pack shall be made available to the first occupiers of the dwellings hereby permitted at the time of their occupation;
- (h) Prior to the commencement of the development hereby permitted, full details of the proposed means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

Reason for granting planning permission:-

In transport terms the site was located in a sustainable location, close to facilities and public transport links in Wellington town centre. With the provision of secure bicycle storage, it was not considered that the proposal would give rise to significant additional pressure on local on-street parking facilities. The proposal had been acceptably designed and would not impact unreasonably upon the amenities of nearby residential properties. The proposal was, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

43/12/0067

Erection of a one bedroomed dwelling to the end of Trinity Row, 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:-
- (A4) DrNo 12/152/1001 Location Plan;
 - (A3) DrNo 12/152/200 Existing Site Plan;
 - (A3) DrNo 12/152/502a Proposed Site Plan;
 - (A3) DrNo 12/152/102d Proposed Details;
- (c) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted

shall be 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) Prior to the occupation of the dwelling hereby permitted, full details of proposed facilities for the secure storage of bicycles shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented before the dwelling hereby permitted is occupied and shall thereafter be retained as such;
- (e) Before the development hereby approved is first occupied, an information pack shall be compiled and provided detailing local bus services and other sustainable transport facilities in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The information pack shall be made available to the first occupiers of the dwelling hereby permitted at the time of their occupation;
- (f) Prior to the commencement of the development hereby permitted, full details of the proposed means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

Reason for granting planning permission:-

In transport terms the site was located in a sustainable location, close to facilities and public transport links in Wellington town centre. With the provision of secure bicycle storage, it was not considered that the proposal would give rise to significant additional pressure on local on-street parking facilities. The proposal had been acceptably designed and would not impact unreasonably upon the amenities of nearby residential properties. The proposal was, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

38/12/0146LB

Reinstatement of side entrance door, overhauling and altering the use of one window in Castle Bow to provide advertising space and installation of hanging sign over the side entrance door at Castle Hotel, Castle Green, Taunton

Conditions

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A2) DrNo 12.1649/05 Rev A - proposed entrance to bar from Castle Bow as proposed;

- (A2) DrNo 12.1649/07 Rev B - proposed entrance to bar Castle Bow elevation as proposed;
 - (A2) DrNo 12.1649/09 - location and block plan;
 - (A1) DrNo 8 Rev A - Basement and GND Plans;
 - (A2) DrNo 12.1649/09CB - Location Plan and Block Plan; and
 - DrNo 12.1649/12 - Projecting sign;
- (c) The windows and doors shall be painted in accordance with the agent's email received on 21 May 2012 unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (d) No existing feature or structure, other than those for which consent is hereby granted, shall be removed, interfered with or adapted without the prior approval of a further listed building consent.
- (Note to applicant:- Applicant was advised that advertisement consent will also be required for the display of any illuminated sign.)

Reason for granting planning permission:-

It was considered that the proposal was in line with Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. The listed building and its setting and any features of historic or architectural interest were, therefore, preserved in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

31/12/0009

Change of use of land from agricultural to caravan park at Dairy House Farm, Stoke Hill, Henlade (as amended)

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) DrNo 1957-01 Location Plan;
 - (A3) DrNo 1957-02 Site Plan; and
 - (A3) DrNo 1957-03 Access Plan;
- (c) (i) The landscaping/planting scheme shown on the submitted plan 1957-02 shall be completely carried out prior to the commencement of the development and all trees shall be a minimum size of 'standard'.
(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;
- (d) The occupation of the building shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all

- reasonable times;
- (e) No caravans other than four touring caravans shall be positioned on the caravan site hereby permitted at any one time and these shall be positioned within the orchard planting;
 - (f) There shall be no obstruction to visibility greater than 900 mm above adjoining road level in advance of a line drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 33 m to the south of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reasons for granting planning permission:-

The proposed caravan site, subject to the orchard planting conditioned, would have no significant adverse impact upon the landscape character and was deemed to preserve the appearance of the countryside. It was not deemed to result in any material detriment to the residential amenities of the occupiers of nearby properties or to highway safety. As such, the proposal was in accordance with Policies STR6 (Development Outside Towns, Rural Centres and Villages) and 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies S1 (General Requirements), EC25 (Touring Caravan and Camping Sites) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) and DM2 (Development in the Countryside) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028.

27/12/0019

Development of former builders compound and adjoining land comprising of retention of joinery workshop and adjoining yard to form reduced builders unit; demolition of storage unit and replacement with smaller unit to be used in conjunction with reduced builders unit; provision of 12 Light Industrial Units (B1 use) with associated access and parking facilities; provision of two semi-detached cottages with associated parking and garage spaces on existing residential site and provision of a new garage for Selworthy Cottage at Beaconstone, Hillcommon, Oake (resubmission of 27/12/0011)

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) DrNo 11.07.09 Site Location Plan;
 - (A1) DrNo SPP.1701.1 Vegetation Appraisal;
 - (A1) DrNo 11.07.10A Block Plan;
 - (A2) DrNo 11.07.08 Storage Unit 1;
 - (A1) DrNo SPP.1701.2C Landscape Masterplan;
 - (A1) DrNo 11.07.03A Site Survey;
 - (A1) DrNo 11.07.04D Site Layout As Proposed;

- (A1) DrNo 11.07.07A Proposed Industrial Units Block A and B Elevations and Plans; and
 - (A1) DrNo 11.07.06B Proposed Semi Detached Houses and Garages Plots 1 and 2 Elevations and Plans;
- (c) Prior to their installation, details and or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.
(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) There shall be no obstruction to visibility greater than 900 mm above the adjoining road level within the visibility splays shown on the submitted plan (Drawing number 11.07.04D). Such visibility splays shall be constructed prior to the occupation of the development hereby permitted and shall thereafter be maintained at all times;
- (f) The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- (g) The employment units hereby permitted shall not be brought into use until the cycle parking area has been provided in accordance with the plans hereby permitted;
- (h) Before the development hereby is first occupied, an information pack shall be compiled and provided detailing local bus services and other sustainable transport facilities in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The pack shall be made available to the first occupiers of each of the units hereby permitted at the time of their occupation;
- (i) Prior to the commencement of the development hereby permitted, full details of the proposed means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development hereby permitted and shall thereafter be maintained as such;
- (j) No more than one dwelling shall be occupied until at least six of the employment units have been provided, built and put to the market in a manner that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority;
- (k) Prior to the occupation of the development hereby permitted, the new length of footway to the north of Selworthy Cottage, shown blue on Drawing 11.07.04D, shall be provided.

Reason for granting planning permission:-

The proposed development was for a mixed use re-development of a former brownfield employment site. Members considered that the mixed use would make the employment units more marketable in accordance with guidance contained in the National Planning Policy Framework. The provision of the B1 employment units would provide small scale employment development in the rural area in accordance with Policy DM2 (Development in the Countryside) of the emerging Taunton Deane Core Strategy.

Reasons for granting planning permission contrary to the recommendation of the Growth and Development Manager:-

Members felt that the proposed mixed use development of a previously developed site would make the employment units more marketable.

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

16/12/0001

Erection of replacement dwelling at Hascolls Farm, Lower Durston, Taunton

Reasons

(1) The proposed development does not meet the criteria in Taunton Deane Core Strategy Policy DM2 Development in the Countryside, section 5, Replacement Dwellings nor the criteria in Taunton Deane Local Plan Policy H8 Replacement Dwellings outside Settlements as the building to be 'replaced' is approx 45sqm and the 'replacement' dwelling is substantially larger at 219sqm; the dwelling is not considered to be a replacement dwelling but will be a new dwelling in Open Countryside and is considered to be contrary to Taunton Deane Local Plan S7. Such dwelling in Open Countryside will result in the residents of the development being likely to be reliant on the private car and there will therefore be an increase on the reliance on the private motor car and thus comprises unsustainable development which is contrary to advice given in the NPPF, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S7 of the Taunton Deane Local Plan;

(2) The design of the proposal is considered to be inappropriate and out of character with the area, by reason of its proportions, scale as a single storey building and roofscape, it would be detrimental and harm the character of the area and would not be adequately screened by the proposed landscaping, which is contrary to Taunton Deane Core Strategy Policy DM1 General Requirements (d) and Taunton Deane Local Plan Policies S1(D), S2(A) and Policy EN12.

(Note to applicant:- Applicant was advised that whilst it is possible to overcome the second reason for refusal, there is still the principle reason for refusal.)

103. Erection of an Extra Care Assisted Living Development comprising 58 No. apartments with associated parking and landscaping at the former Council Nurseries, 15 Mount Street, Taunton (38/12/0219)

Reported this application.

Resolved that subject to the provision of a commuted sum by the applicants for affordable housing of £862,408 and it being ring-fenced for that purpose and possible maintenance of the surface water attenuation if not maintained by a management company, 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:-
 - (A3) DrNo PA01-1885-01 Site Location Plan;
 - (A1) DrNo PA01-1885-02B Proposed Site Layout;
 - (A1) DrNo PA01-1885-03B Contextual Elevations 1;
 - (A1) DrNo PA01-1885-04B Contextual Elevations 2;
 - (A1) DrNo PA01-1885-05B Ground Floor Plan;
 - (A1) DrNo PA01-1885-06B First and Second Floor Plans;
 - (A1) DrNo PA01-1885-07B Third Floor and Roof Plans;
 - (A1) DrNo PA01-1885-08B Proposed Landscaping Layout;
 - (A0) DrNo PA01-1885-09B Contextual Elevations;
 - (A0) DrNo PA01-1885-10B Contextual Elevations;
 - (A0) DrNo PA01-1885-11A Contextual Elevations;
 - (A0) DrNo P08142_SX Rev A Topographical Survey;
 - (A0) DrNo P08142_SX Rev A Topographical Survey;
 - (A1) DrNo 1028_LMP_600 Landscape Master Plan; and
 - (A1) DrNo 7711/01 Tree Constraints Plan;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) No persons under 60 years of age and/or a partner of 55 years of age shall occupy any of the units hereby permitted with the exception of guests and/or warden(s) unless otherwise agreed in writing by the Local

Planning Authority;

- (f) The development shall be carried out in strict accordance with approved Drawing Ref: 1205/2513 V3 (titled 'Safe Access Route', prepared by Aardvark and dated 16 April 2012);
- (g) Finished floor levels of the development shall be set no lower than 21.92m AOD;
- (h) No part of the development hereby permitted shall be occupied until a flood emergency plan has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include the following elements:-
 - Identify areas providing a safe refuge during a flood;
 - Identify safe access and egress routes within the development;
 - Details of the responsible person / party during a flood and appropriate actions to ensure the safety of occupants; and
 - Provision of flood marker boards on the access roads within the site, which indicate safe depths for driving.

The development shall subsequently be implemented and maintained in accordance with the approved details;

- (i) No development shall commence until details of flood resilience measures in the construction of the development to a minimum level of 22.3m AOD have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be subsequently implemented and maintained in accordance with the approved details;
- (j) 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 before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion;
- (k) 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall thereafter be carried out in accordance with the recommendations of the approved strategy;
- (l) The development hereby permitted shall not be commenced until details of a strategy to protect badgers, reptiles, bats and birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Aardvark reports dated October 2009 and July 2012 and Ambios Ecology's report, dated August 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 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 bats, birds and reptiles 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 have been fully implemented;

- (m) Details of any external lighting shall be provided prior to its installation and agreed in writing by the Local Planning Authority to ensure the lighting is directed downwards only;
- (n) (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;
- (o) The existing tree shown to be retained on site on proposed site layout drawing PF01-1885-02 shall be protected in accordance with BS5837: 2005 Trees in relation to construction;
- (p) A footway across the site frontage shall be provided prior to occupation of any of the residential units;
- (q) An amended Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development hereby approved. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.
- (r) Prior to occupation, details of boundary treatments, including a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the Local Planning Authority and agreed in writing. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that Land Drainage Consent will be required from the Lead Local Flood Authority (Somerset County Council) for any connection to the Stockwell Stream. There must be no interruption to the surface water 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 and that riparian owners upstream and downstream of the site are not adversely affected; (2) Applicant was advised of the following requirements - WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s)

must comply with the appropriate wildlife legislation. BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins. BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (3) Applicant was advised to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. This agreement should be progressed well in advance of commencement of development; (4) Applicant was advised to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to development commencing, and thereafter maintained until the use of the site discontinues; (5) Applicant was advised that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Street Works Code; (6) Applicant was advised that construction traffic should avoid peak periods when children use Mountway and Mount Street to access schools in the area.)

Reason for Planning permission, if granted:-

The proposal, for an elderly residential care development, was located within defined settlement limits in a sustainable location where the principle of new housing was considered acceptable and in compliance with the National Planning Policy Framework. The proposed access and parking would be satisfactory and the development was sited so as not to be within Flood Zone 3 and would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49, Taunton Deane Local Plan

Policies S1 (General Requirements), S2 (Design), EN28 (Flood Risk) and M4 (Residential Parking Provision) and Core Strategy Policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements).

104. E/0272/43/08 – Wooden hoarding to the front elevation of 27 North Street, Wellington

Reported that in 2008 it had come to the attention of the Council that a timber lean-to structure had been erected in front of one of the windows of the former retail shop at 27 North Street, Wellington. As the property was on the back edge of the pavement, the structure restricted the width available to pedestrians.

The owner of the premises had been contacted who had advised the Council that in connection with intended renovation works, the structure would be used as a lobby providing access to the building.

Although some works had commenced some time ago, the building currently remained in an unfinished condition and no further work was being undertaken.

Resolved that:-

- (1) A notice under Section 215 of the Town and Country Planning Act 1990 be served on the owner of 27 North Street, Wellington requiring the unauthorised wooden hoarding to be removed within a three week period; and
- (2) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the Section 215 Notice was not complied with.

105. E/0027/38/12 – Smoking shelter erected at Blagdon Retirement Village, Middleway, Taunton

Reported that it had come to the attention of the Council that a smoking shelter, consisting of trellis fencing panels and a green coloured corrugated roof, had been erected at Blagdon Retirement Village, Middleway, Taunton on the end of a block of garages in an open grass area.

Complaints had been received that people using the shelter were causing a nuisance to some of the residents in the adjoining road, Wilton Orchard, through drifting cigarette smoke.

In the view of the Growth and Development Manager the shelter, which was 20 metres from the nearest neighbouring dwelling, was not considered to have any adverse visual impact. Although it was acknowledged that the smell of smoke could cause complaint, it was felt that this did not cause sufficient harm to warrant the serving of an enforcement notice seeking the removal of the shelter.

Resolved that no further action be taken.

(The meeting ended at 7.46 pm)