

## Planning Committee – 5 September 2012

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

Officers: - Mr Bryn Kitching (Development Management Lead), Mrs Judith  
Jackson (Legal Services Manager), Mr Matthew Bale (West Area Co-  
ordinator), and Mrs Tracey Meadows (Corporate Support Officer)

(The meeting commenced at 5.00 pm)

### 106. Apologies/Substitutions

Apologies: Councillors C Hill, Mrs Messenger, Watson, D Wedderkopp and  
Wren

Substitutions: Councillor Horsley for Councillor D Wedderkopp and  
Councillor Mrs J Reed for Councillor Watson

### 107. Declarations of Interest

Councillor A Govier declared a personal interest as a Member of Somerset  
County Council. Councillor Nottrodt declared a personal interest as a Director  
of Southwest One. Councillors Mrs Hill and Mrs Smith declared personal  
interests as employees of Somerset County Council. Councillor Tooze  
declared a personal interest as an employee of UK Hydrographic Office. All  
Members declared that they had received numerous emails and phone calls  
regarding application no 42/12/0013 Amberd Lane, Trull. However they did  
not feel that they fettered their discretion.

### 108. 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:-

#### **06/12/0034**

**Erection of 34,320 ground mounted solar photovoltaic panels generating  
up to 8.24mw of energy at Halse Farm, Halse**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of  
the date of this permission;

- (b) The development hereby permitted shall be carried out in accordance with the approved plans.
  - (A1) DrNo HAL1-LP02-120503-01 Location Plan
  - (A1) DrNo HAL1-MP02-120813-r08 Modules Layout Plan
  - (A1) DrNo HAL1-ECO01-120813-r00 Landscape and Ecological Management Plan
  - (A1) DrNo OWL-TD01SIEMENS-120601-r01 Table Design
  - (A4) DrNo OWL2-INVERTER-120601-r02 Inverter Station 1000 kW
  - (A3) DrNo SH01-12022615-r00 Substation Building
  - (A3) Fence Drawing
- (c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production.
- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity.
- (e) Prior to the commencement of the development, details of a strategy to protect wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Nicolas Pearson Associates Extended phase 1 habitats survey dated May 2012 and AEE's Draft Landscape and Ecological Management plan dated June 2012 and include: Details of protective 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.
- (f)
  - (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority
- (g) Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Environment Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.
- (h) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within six months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.
- (i) The perimeter fencing hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in writing by the Local Planning Authority.
- (j) The development hereby permitted by this planning application shall only be undertaken in accordance with the approved Flood Risk Assessment (Ref: J-3999.2-FM dated May 2012 and prepared by H20K) specifically including the following measures detailed within the FRA: All access routes shall be permeable surfaces constructed of either mown grass or unbound stones; and the drainage strategy shall be implemented in full prior to any new buildings or arrays being installed at the site.
- (k) The developer shall ensure that any contract for deliveries to the site requires drivers to use the access routes and call-on protocol outlined in Sections 2.3 and 2.4 of the Construction Traffic Management Plan (CTMP). The access to the site and compound area shall be provided prior to the commencement of construction in accordance with the details outlined at Section 2.7 of the CTMP. Facilities shall be employed at the exit from the site for the wheel washing and lorry jet washing of vehicles leaving the site. Additional signage as suggested in Section 2.6 that shall have been previously agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted shall be erected in the agreed locations

prior to the commencement of the development and maintained for the duration of the construction phase.

- (l) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. 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 writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase.
- (m) The compound area at the site access shall be removed and the ground restored to its former condition within one month of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.
- (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.
- (o) No external artificial lighting shall be installed on the site.

**Notes to Applicant:-**

- (1) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services;
- (2) Applicant was advised that at least seven days before access works commence the Highway Service Manager Taunton Deane Area Highways Office; Burton Place, Taunton must be consulted;
- (3) Applicant was advised that Under Section 59 of the Highways Act 1980 the Highway Authority is permitted to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development;
- (4) Applicant was advised that here is 150mm PVC water distribution main crossing the site. The main must be protected which must include consideration of the following:-

- The location of the main needs to be confirmed exactly on site and marked accurately on all drawings.
- No panels or other structures will be permitted within the existing easement area (statutory minimum 3m either side of centred over the main).
- Construction traffic over the route of the main will also need to be confined to no more than normal agricultural type vehicles.
- Failure of the main due to damage or other reasons could effect considerably damage and stop operation of the planned solar farm for some time.
- Any resultant repair works to the main will be rechargeable and likely at considerable cost.
- Immediate unfettered access is required around the clock to this main for essential maintenance or repair (to meet this requirement, subject to agreement, the access point could be modified with the use of a joint multi-pad lockable vehicular gate system).

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

The proposed development would generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There would be some significant short term harm to the visual amenities of the area, but the long term harm was considered to be limited. The benefits were, therefore, considered to outweigh the limited harm and the proposal was acceptable in accordance with Policy C12 (Renewable Energy) of the Taunton Deane Local Plan, Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy. The development would not cause harm to wildlife interests, the amenities of neighbouring property or the highway safety, nor would it lead to an increase in off-site flooding. It was, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), EN3 (Local Wildlife and Geological Interests) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan, Policy DM1 (General Requirements) and guidance contained in the National Planning Policy Framework.

#### **13/12/0006LB**

#### **Conversion and alteration of Building 14 to form a dwelling house and demolition of attached outhouse at Cothelstone Yard, Cothelstone**

#### **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 12-CB14P Proposed Elevation and Floor Plan

- (A4) DrNo 12-CB14L location Plan  
(A4) DrNo 12-CB14B1 Block Plan
- (c) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.
- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: new external windows and doors; flue; venting of roof and enclosed bathroom/ensuite; finished treatment for all joinery; guttering and downpipes; ridge/hip treatment; cills and lintels; timber cladding; render.

**Note to Applicant:-** Applicant was advised to take the following matters into account:-

**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.

**Reason for granting planning permission:-**

The proposed works would preserve and enhance the character and historic interests of the listed building and the setting of the buildings at Cothelstone Yard. The proposals were therefore considered to accord with Policies S1 and S2 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park joint Structure Plan Review and guidance contained within the National Planning Policy Framework. Further the listed building, its setting and any features of special architectural or historic interest would be

preserved in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**38/12/0249LB**

**Alteration to boundary wall to form access surrounding the playing fields, south of former Convent at Kings College, South Road, 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 plans:-
  - 711954-00 Site Location Plan
  - 711954-01 Existing Site Plan
  - 711954-02C Proposed Site Plan
  - 711954-04 Wall Elevations
- (c) No wall demolition shall commence until a contract had been let for the construction of the residential development to the north.
- (d) The existing pedestrian opening in the central boundary wall shall be closed up in stone to match as indicated on the submitted plan prior to occupation of any dwelling.

**Note to applicant:-**

Applicant was advised that a separate application for planning permission is required before any works commence.

**Reason for granting planning permission:-**

It was considered that the proposal was in line with Section 16 of the Planning (Listed Buildings and Conservation Areas) ACT 1990, 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.

**109. Outline application for a residential development at Amberd Lane, Trull (42/12/0013)**

**Reported this application.**

Resolved that subject to the applicants entering into an appropriate legal agreement to secure:-

**Affordable Housing**

- 10 units of affordable housing to be delivered on site in a distributed manner in accordance with the requirements of local housing need.

**Community Facilities**

- Contributions of £80,640 towards a Neighbourhood Equipped Area for Play (NEAP) to be located on the existing recreation field to the north.
- Contribution of £43,620 towards Active Outdoor Recreation.
- Contribution of £33,340 towards Community Hall Facilities.
- Contribution of £5,820 towards Allotment Provision.

As an alternative to the contribution towards the NEAP, Active Outdoor Recreation and Community Hall Facilities above (totalling £157,600), the provision of:

- Land to the south of the existing playing field (as shown on the deposited plans) to form an extension of that playing field, including the levelling, cultivation and seeding of the field;
- Provision of the NEAP;
- Provision of a Pavilion and Store Building of gross floor area not less than 200 square metres.

**Public Art**

- A contribution towards the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy.

**Landscaping**

- The provision and subsequent maintenance of the landscaped belt proposed on the field to the east of the site prior to works commencing on site.

**Education**

- Contribution of £73,530 towards Primary School Facilities.

**Highways**

- The design and construction of a footpath/cycle track within the site and the widening and surfacing of the existing footpath between the northern end of the site and the south western corner of the existing recreation field to 2.5 m.
- The design and construction of a new traffic island at the junction of Amberd Lane and Honiton Road.
- A minimum sum of £10,000 for Travel Planning requirements, including travel vouchers upon first occupation and production of information leaflets. This 'minimum' should be considered against the provision of a full Travel Plan Statement, and any additional elements arising from the Statement.



**The Growth and Development Manager be authorised to determine the application in consultation with the Chariman/Vice Chairman and if Outline Planning Permission was granted the following conditions be imposed:-**

- (a) Approval of the details of the layout, scale, appearance, access and landscaping 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) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut pail fence 1.5 m high, placed at a minimum distance of 2m from the edge of the hedge unless otherwise agreed in writing by the Local Planning Authority.
- (c) The development shall provide for covered and secure storage facilities, details of which shall be indicated on the plans submitted in accordance with condition (a) 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.
- (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, as may be agreed by in writing by the Local Planning Authority.

- (e) No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority, all as set out in the submitted Flood Risk Assessment by Three Counties dated 30 March 2012. The scheme shall include full details of proposed on site storage where run off rates have been limited to those from a 1 in 1 year storm on the green field site. Calculations are to be provided showing this attenuation provided for all storms up to and including the 1 in 100 year plus climate change event. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. Details of exceedance flow paths and depths of flow shall be mapped and shown to be safe.
- (f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of the Ecological Impact Assessment submitted report, dated March 2012 and up to date surveys and include:-
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance.
  3. 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 and nesting birds 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.
- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.
- (h) Before the dwellings hereby permitted are first occupied, a 1.8m wide footway shall be constructed over the frontage of the site between the western edge and the vehicle access in accordance with a specification to be approved in writing by the Local Planning Authority.
- (i) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

The proposed development of 30 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the Vivary Green Wedge or lead to the coalescence of settlements. As such the proposal was not contrary to Policy EN13 of the adopted Local Plan and was in accordance with the provisions of Policy SP1 of the Core Strategy. The adverse impacts of the development did not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Policy Planning Framework taken as a whole and therefore the proposal was approved as advised in paragraph 14 of the NPPF.

**110. Erection of 58 No Dwellings formation of access, removal of a section of listed wall and demolition of the gymnasium at Kings College, South Road, Taunton (38/12/0234)**

Reported this application.

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

- (1) 25% affordable housing on site.
- (2) Education contributions for primary of £147,084 and secondary provision of £147,752.
- (3) A Management plan for future maintenance of boundary walls around the site.
- (4) A Management plan for open space, play space and on site surface water attenuation or commuted sums for their upkeep if transferred to the Council.
- (5) A community use agreement be entered into for the tennis courts, sports hall and playing pitch to be retained on the Nursery Field.
- (6) A community hall contribution and an allotment contribution.
- (7) A travel plan and a trip off-setting scheme.

The proposal for residential development is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties or adversely affect the setting of the listed building or character of the conservation area and is considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4, 9 and 49, Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision), C4 (Recreational Provision) and EN14 (Conservation Areas) and Core Strategy 2011-2028 policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements).

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

## Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 00 Site Location Plan
  - (A1) DrNo 01 Existing Site Plan
  - (A1) DrNo 02 Rev D Proposed Site Plan
  - (A1) DrNo 03 Rev A Section & Elevations
  - (A1) DrNo 04 Wall Elevations
  - (A1) DrNo 05 Units A & B
  - (A1) DrNo 06 Units C & D
  - (A2) DrNo 07 Units Elevations
  - (A3) DrNo 08 The Square
  - (A3) DrNo 09 South Terrace
  - (A3) DrNo 10 View from South Road
- (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 hereafter 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) 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 also include details of outfall arrangements, wayleaves and consent to discharge as well as details of maintenance and management after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- (f) Details of the public art element to be designed into the public realm of the site shall be submitted to, and agreed in writing by, the Local

Planning Authority and thereafter be provided on site prior to occupation of any dwelling.

- (g) None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority and also any external lighting on buildings or fences shall be agreed prior to installation and shall thereafter be carried out as agreed.
- (h) The existing access gate in the northern boundary shall be retained for emergency access only and not as a public right of way in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
- (i) Details of the surface treatment finish to the access roads into the site from South Road and any parking areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to their construction being completed and shall thereafter be carried out and maintained as agreed.
- (j) Prior to commencement of development, details of the proposed layout and specification for the replacement tennis courts along with a timetable for their provision shall be submitted to, and approved in writing by, the Local Planning Authority.
- (k) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.
- (l) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of jh Ecology's Ecological Impact Assessment report dated May 2012 and include:-
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of timing of works to avoid periods of work when protective species could be harmed by disturbance;
  3. Measures for the enhancement of places to rest for protected species.Once approved the works shall be implemented in accordance with the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.
- (m) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials, height and type of boundary treatment to be erected, including the wall to South Road. The agreed 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.

- (n) A Children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.
- (o) Before any part of the development hereby permitted is commenced a plan showing:-
  - (a) The location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100mm, 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 5837:20050); and
  - (b) Details of the species, height, trunk diameter at 1.5m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.

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

The proposal for residential development was located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties or adversely affect the setting of the listed building or character of the Conservation Area and was considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4, 9 and 49, Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision), C4 (Recreational Provision) and EN14 (Conservation Areas) and Core Strategy 2011-2028 Policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements).

**111. Erection of 7 no. detached dwellings on land to the rear of 14-28 Stoke Road, Taunton (38/12/0265)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure affordable housing, a leisure and recreation contribution as well as allotment and Community Hall contributions, permission be granted. The Growth and Development Manager be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;

- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-  
(A2) DrNo SPP/1414/1A Vegetation Survey;  
(A1) DrNo Vertexe SGB233 Measured Building Survey;  
(A3) DrNo A1202 407A House Type 12 Plans/Elevations;  
(A3) DrNo A1202/406 House Type 11 Plans/Elevations;  
(A3) DrNo A1202/405A House Type 10 Plans/Elevations;  
(A3) DrNo A1202/404 House Type 9 Plans/Elevations;  
(A3) DrNo A1202/402 Site Layout Plan;  
(A3) DrNo A1202/401 Site Location 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) (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) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing the by the Local Planning Authority.
- (f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ambios Ecology's submitted report, dated March 2012 and up to date Bat 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 species could be harmed by disturbance;
  - Measures for the enhancement of places of rest for the species.

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

- (g) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.
- (h) The window(s) in the first floor side elevations of plots 1 and 7 shall be glazed with obscure glass and be limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.
- (i) The garages hereby permitted shall be constructed in accordance with the approved plans and shall be retained as such and not be converted to additional habitable accommodation.
- (j) The drives shall be hard surfaced (not loose stone or gravel) before they are brought into use. They shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the properties.
- (k) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of the TPO Cherry 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.

**Note to applicant:-**

- (1) The condition relating to wildlife requires 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.



(2) The developer should contact Wessex Water in respect to all connections and sewers.

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

The proposal, for residential development, was located within defined settlements limits in a sustainable location where the principle of new housing was considered acceptable. The proposed access and parking would be satisfactory and the development would not have a significant detrimental impact on access and traffic or on the amenity of surrounding residential properties and was considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Recreation Provision) and M4 (Residential Parking Provision) and Core Strategy 2011-2028 policies CP4 (Housing) CP5 (Inclusive Communities) and DM1 (General Requirements).

**112. E/0134/07/12 – Non compliance with planning approval at Gardeners Hall Farm, Lower Stoford Lane, Bradford on Tone**

Reported that it had come to the Council's attention that more solar panels appeared on land at Gardeners Hall Farm, Stoford Lane, Bradford on Tone than permitted. The approved plans showed three long rows of panels in double width.

During a site visit it was found that there were six separate units of panels comprising of 34 panels each making a total of 204 panels. The application, as submitted was for 178 Solar panels.

Noted that the solar panels were sited close to the edge of a field with a backdrop of hedgerows and agricultural and commercial buildings beyond the boundary. A new hedgerow was to be planted in accordance with the approval to limit views of the panels from some nearby residents properties and the Public right of way.

Given the existing boundaries and nearby buildings, the proposed panels were not considered to harm any views from the wider area. The Growth and Development Manager therefore felt that there was no detrimental harm to character and appearance to the area.

**Resolved** that no further action be taken.

**113. Appeals**

Reported that four appeals has been lodged, details of which were submitted.

(The meeting ended at 10.25 pm)