

Planning Committee – 6 November 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Gaines, C Hill, Mrs Hill,
Miss James, Tooze, Watson, A Wedderkopp, D Wedderkopp and Wren

Officers: - Matthew Bale (West Area Co-ordinator), Gareth Clifford
(East Area Co-ordinator), Bryn Kitching (Development Management
Lead), Roy Pinney (Legal Services Manager) and Tracey Meadows
(Corporate Support Officer)

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

128. Apology

Councillor Morrell.

129. Minutes

The minutes of the meetings of the Planning Committee held on the 25 September 2013 and 16 October 2013, were taken and read and were signed.

130. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared that he had attended a meeting of the Quantock Hills Joint Advisory Committee where application No 45/13/0014 had been discussed. He felt that he had “not fettered his discretion”. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Coles also declared that he knew the agent for application No 38/13/0368. He felt that he had not “fettered his discretion”. Councillor Bishop declared that he had attended the Parish Council meeting where application No 27/13/0015 had been discussed. He too felt that he had not “fettered his discretion”. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. He also declared that he knew the agent for application No 38/13/0368 but felt that he had not “fettered his discretion”. Councillor Wren declared a personal interest as an employee of Natural England.

131. 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:-

14/13/0036

Change of use of annexe to provide holiday letting accommodation at The Old Mill, North End, Creech St Michael

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The outbuilding shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of the building on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority;
- (c) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the north elevation of the development hereby permitted without the further grant of planning permission;
- (d) 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 alteration or extension of the parking area shall be carried out without separate planning permission being sought from the Local Planning Authority;
- (e) 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 extension to the building other than those expressly authorised by this permission shall be carried out without the further grant of planning permission;

(Note to applicant: - Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

27/13/0015

Erection of an agricultural storage building at Knapp Farm, Hillfarrance

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) Location Plan;
 - (A4) Block Plan (as amended by plan received 15 October 2013);
 - (A4) Roof Plan;
 - (A4) South-west and south-east elevations; and
 - (A4) North-west and north-east elevations;
- (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) (i) Prior to its implementation, 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;

42/13/0050

Change of use of land to form an extension to the playing field, and erection of Pavilion at King George's playing field, Church Road, Trull

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 SPP.1706.4 Landscape Proposals;
 - (A1) DrNo 4222/12 Survey of Recreation Area;
 - (A1)DrNo 4222/12 Site Plan;
 - (A1)DrNo 422/12 Proposed Pavilion Elevations and Floor Plan;

- (c) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the use hereby permitted is commenced and thereafter maintained as such, 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) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (f) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs (a) and (b) below shall have effect until the expiration of one year from the date of the occupation of the building for its permitted use;
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 399:2012 (Tree Work)];
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;
- (g) 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 5837:2012. 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;

- (h) 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;
- (i) No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority;
- (j) The proposed access road, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway 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;
- (k) 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;
- (l) The applicant shall undertake all the recommendations made in MWA's Hedgerow inspection report dated December 2012. 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;
- (m) No development on the pavilion, access road or car park shall take place until such time as a surface water drainage strategy has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed strategy.

(Note to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission; (ii) Applicant was advised that most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); (iii) Applicant was advised 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) That **planning permission be refused** for the under-mentioned development:-

48/13/0051

Erection of two storey extension to side and porch to front of 2 Hill Farm Cottages, West Monkton

Reason

The existing cottage is of traditional character and scale, typical within the countryside landscape. The proposed side extension, by virtue of its size, scale and design is considered to dominate the traditional cottage to the detriment of the existing form of the dwelling and unbalance the appearance of the semi-detached properties, resulting in harm to the appearance of the rural landscape. As such, the proposal is contrary to Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

(Note to applicant: - Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.)

132. Outline Planning application for the erection of six dwellings at Little Acre, Station Road, Norton Fitzwarren (25/12/0017)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 agreement to extinguish all existing use rights to the site without compensation, upon commencement of the development, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if outline planning permission was granted, the following conditions be imposed:-

Conditions

- (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) A scheme for the attenuation of noise shall be submitted with any application for approval of reserved matters. The scheme shall be based on the findings of Ian Sharland Limited's submitted report dated 14 June 2012. The approved scheme shall be fully implemented prior to the occupation of the dwelling to which it relates and thereafter maintained as such;
- (c) A scheme for the protection of the protected Poplar Tree on the southern boundary shall be submitted with any application for approval of reserved matters. The scheme shall include measures required to protect the tree together with the timings for erection of any protective fencing. The approved scheme shall be fully implemented and carried out in accordance with the approved details and timings;
- (d) Prior to the commencement of the development hereby permitted, a scheme for the means of disposal of foul and surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be based upon a full survey/analysis of existing sewers in the locality and their ability to accommodate the likely discharge from the site. The scheme shall ensure that surface water run-off rates from the developed site do not exceed run-off rates from the pre-developed site for all storm periods up to and including for the 1 in 100 year plus climate change event. The scheme shall also include details of maintenance requirements and responsibilities and a timetable for construction. The development shall be carried out in accordance with the details hereby approved. The scheme shall be implemented in accordance with the approved timetable and shall thereafter be maintained as such;
- (e) 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 a Remediation Strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The Remediation Strategy shall be implemented as approved;
- (f) The Poplar Tree on the southern boundary, the subject of a Tree Preservation Order, is not permitted to be felled by this grant of planning permission;
- (g) Finished floor levels of the new dwellings shall be raised a minimum of 300 mm above existing ground levels;
- (h) No more than six dwellings shall be erected on the site;

- (i) There shall be no ground-raising or stockpiling of material at any time on any part of the site;
- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, outbuildings, fences, gates or walls shall be erected within the curtilage of any dwelling house other than those that may be approved pursuant to a reserved matters approved without the further grant of planning permission;

(Notes to applicant: - Applicant was advised that:- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the applicant to enable the grant of outline planning permission; (ii) There is a possibility that a future relief road for Norton Fitzwarren will be constructed to the north of the site so it may be prudent to consider whether noise attenuation measures should also be installed in the north elevation; (iii) This is an outline planning permission with all matters reserved for subsequent consideration. You are advised that, despite indications on the illustrative plans, the Local Planning Authority is concerned that dwellings greater than two storeys in height are unlikely to be acceptable on this site; (iv) Any application for reserved matters approval must be influenced by the presence of the protected Poplar Tree and other trees around the site boundary. Any reserved matters application must be accompanied by a tree survey, clearly identifying the root protection areas, carried out in accordance with BS5837; (v) It is expected that the details for landscaping submitted with any reserved matters application will show the retention of planting on the northern boundary and the provision of a new hedgerow to the west).

133. Demolition of 2 No bungalows and erection of 8 No flats with associated works on land at 58/60 Normandy Drive, Taunton (38/13/0368)

Reported this application.

Resolved that subject to an amended plan reconfiguring the parking layout and the applicant entering the appropriate legal agreement to secure:-

- (a) £1571 per additional dwelling towards active outdoor recreation;
 - (b) £209 per additional dwelling for allotment provision and;
 - (c) £1208 per additional dwelling towards community hall provision,
- 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;
- (A4) Location Plan;
 - (A3) Block and Roof Plan;
 - (A1) Digital Survey;
 - (A1) Proposed Floor Plan and Elevations; and
 - (A1) Proposed Site 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) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (f) 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 5837:2012. 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;

- (g) 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;
- (h) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 200 mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (i) The applicant shall undertake all the recommendations made in Green Ecology's Preliminary Ecological Appraisal report dated July 2013 and provide mitigation for bats and birds as recommended. 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 and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (j) No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The submitted details shall clarify the intended ownership and maintenance provision for all drainage works serving the site, agreement for discharge point and ownership of receiving drainage system and that the approved scheme shall be implemented in accordance with the approved programme and details;
- (k) Details of any solar roof panels shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.)

134. Erection of 4 No two bedroom dwellings and 1 No garage on land at Bacon Drive, Taunton (38/13/0370)

Reported that this application be withdrawn.

135. Variation of condition No 10 of application 43/10/0127 to allow a fabric first approach to reducing energy demand seeking more energy efficient

buildings rather than providing on site renewable at land at Cades Farm, off Taunton Road, Wellington (43/13/0097)

Reported this application

Resolved that subject to the applicants entering into a Section 106 Agreement bringing the obligations on planning permission 43/10/0127 forward to any new permission, 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) 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 for the first phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for approval of the reserved matters for the final phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission. The development of each phase hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans;
- (A3) DrNo 100-001 Rev A Red Line Plan; and
 - (A3) DrNo 400-001 Rev H Parameters Plan;
- (c) Prior to the commencement of the development hereby permitted, a phasing programme shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (d) Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Brookbanks Consulting and dated 16 February 2011) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme;

- (e) Surface water shall not be allowed to discharge from any private drives onto the public highway and details of how such will be achieved shall be submitted to and approved with any reserved matters application made pursuant to condition (a). The agreed details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such;
- (f) Prior to the commencement of any phase (as agreed pursuant to condition (c)) of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the Local Planning Authority.
- a) A preliminary risk assessment which has identified:
- all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- c) The site investigation results and the detailed risk assessment b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved;
- (g) Before any phase (as agreed pursuant to condition (c)) of the development commences (including site clearance and any other preparatory works) a scheme for the protection of trees and hedges within that phase 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 for that phase or until such time as may otherwise be 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;
- (h) The development shall provide public open space and children's play

facilities in accordance with the details indicated on the parameters plan (Drawing 400-001 Rev H) hereby permitted. Full details of the open space, including any required children's play equipment, benches, bins or any other required paraphernalia shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details required pursuant to condition (a) with the phase (as agreed pursuant to condition (c)) to which it relates. The open space and any associated equipment shall be fully provided and operational prior to the occupation of 75% of the dwellings within the phase to which it relates and shall thereafter be maintained as such;

- (i) Details of the proposed street (and other external) lighting for the development shall be submitted to, and agreed by the Local Planning Authority as part of the details submitted pursuant to condition (a);
- (j) The development shall be implemented so that either (i) At least 10% of the energy supply for each phase of the development shall be secured from decentralised and renewable or low-carbon energy sources; or (ii) The design and construction of the buildings shall ensure that the energy consumption of the dwellings within each phase of the development shall be at least 10% lower than the levels required by the Building Regulations prevailing at the time of the commencement of the phase of the development. Details and a timetable of how these requirements are to be achieved, including details of physical works on site shall be submitted to, and approved in writing, as part of the reserved matters submission pursuant to condition (a). The development shall be implemented in accordance with the approved details and timetable, unless otherwise agreed in writing by the Local Planning Authority;
- (k) 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 have been submitted to, and approved by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- (l) The eastern and western basins shall be constructed in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development of the phase(s) to which they relate and shall thereafter be maintained as such;
- (m) The development hereby permitted shall not be commenced until details of a Landscape and Wildlife strategy has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EDP's submitted ecology appraisal dated October 2010, EDP's letter dated 26 January 2011 (ref L/EDP1267/KH/av) and EDP's supplementary information relating to ecological mitigation and

enhancement measures dated February 2011 and up to date surveys and include:-

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development (Ecological Construction Method Statement);
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;
3. measures for the enhancement of places of rest for breeding birds, dormice and bats;
4. Details of a sensitive lighting strategy;
5. The submission of a Landscape and Ecological Management Plan (LEMP);
6. Ongoing ecological monitoring for a period to be agreed, which will inform the ongoing management of the site.

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. No phase (as agreed by pursuant to condition (c) of the development shall be occupied until the scheme for the maintenance and provision of the new bird, dormice and bat boxes and related accesses relevant to that phase have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (n) Prior to the commencement of the development hereby permitted, full details of a management strategy for the retained hedgerows shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed management strategy shall thereafter be strictly adhered to;
- (o) For any phase of the development (as agreed pursuant to condition (c)) the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details that shall first have been 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;
- (p) (i) The landscaping/planting scheme shown on any plans submitted and agreed in respect of condition (a) shall be completely carried out within the first available planting season from the date of commencement of the phase (as agreed pursuant to condition (c)) of the development to which it relates; (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;

- (q) No more than 150 dwellings shall be occupied until the link to Gay Close detailed on Drawing Number 2371.06B, or some other drawing as may have first been agreed in writing by the Local Planning Authority, had been fully implemented and is capable of use;
- (r) In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars as agreed in respect of condition (a); and paragraphs (a) and (b) below shall have effect until the expiration of one year from the completion of the phase to which it relates:-
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)];
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within 12 months of its destruction or death. The species and size of that replacement tree shall first have been agreed in writing by the Local Planning Authority.

136. Erection of 7 No affordable dwellings with associated access, bin and cycle store, parking and landscaping on land adjacent to New Road, West Bagborough (45/13/0014)

Reported this application.

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

- (i) £2,904.00 for each 2 + bed dwelling for children’s play facilities within the vicinity of the development;
- (ii) £1,571.00 per dwelling towards active outdoor recreation; and
- (iii) £209.00 per dwelling for allotment provision,

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:-

- (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 3236/001 Rev B Proposed Elevations and Floor Plans for Plots 1-4;
 - (A1) DrNo 3236/002 Rev B Proposed Elevations and Floor Plans for Plots 5-7;
 - (A4) DrNo 3236/003 Location Plan;
 - (A3) DrNo 3236/004 Rev B Block Plan;

- (A3) DrNo 3236/005 Bin and Bike Store;
 - (A3) DrNo 3236/006 Rev D Proposed Site Layout; and
 - (A3) DrNo 3236/007 Site Sections:
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no windows or other form of opening shall be introduced into the north-eastern elevations of either unit 1 or unit 7 without the prior grant of planning permission in that behalf;
- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development;
- (e) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation;
- (f) The proposal hereby granted shall be carried out strictly as specified in the 'Conclusions and recommendations' proposed in the 'Ecological Appraisal' prepared by 'Greenecology', and dated July 2012 and the subsequent 'Reptile Survey Results and Mitigation Strategy'; dated 19 August 2013. This document forms part of the permission hereby granted and the further survey work it requires and the timing for works specified will need to be carried out in full as stated under the supervision of a competent and suitably qualified expert;
- (g) (i) Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard. (ii) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or

acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development. (iii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater. (iv) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area. (v) No trenches for service runs, or any other excavations shall take place within the fenced area. (vi) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Planning Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots;

- (h) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the dwellings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to, and approved in writing by, the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority;
- (j) The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to, and approved in writing by, the Local Planning Authority. The dwellings shall not be occupied until these have been provided in accordance with the approved details;
- (l) The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to, and approved in writing by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum;

- (m) No development or on site works shall commence until a surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority and Wessex Water, or at such other time as may be agreed in writing with the Local Planning Authority;
- (n) Prior to installation, or at such other time as may be agreed in writing with the Local Planning Authority, full details of any solar panels that may be required shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the position, size and appearance of the solar panels and any associated equipment on each dwelling where they are required. The solar panels shall then be placed on site in strict accordance with the details submitted and approved and shall be retained as such at all times thereafter.

(Notes to applicant:- Applicant was advised to take the following matters into account:- (i) Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site; (ii) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (iii) 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 of Natural Habitats and Species (Amendment) Regulations 2012, 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. (iv) The developer is hereby made aware that under the National Planning Policy Framework, where a site is affected by contamination responsibility for securing a safe development rest with the developer and/or landowner. If additional information is found concerning the condition or history of the site and this cannot be mitigated, then the Environmental Health Officer of the Council does not rule out future action under Part IIA of the Environmental Protection Act 1990.)

137. Appeals

Reported that five new appeals had been lodged and one decision received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 8.25 pm.)