

Planning Committee – 26 February 2014

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

Officers: - Bryn Kitching (Development Management Lead), Tim Burton (Assistant Director – Planning and Environment), Gareth Clifford (Area Co-ordinator – East), Matthew Bale (Area Co-ordinator – West), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.
Councillors Henley and D Reed in connection with application No 10/13/0035

(The meeting commenced at 5.00 pm)

22. Apology/Substitution

Apology: Councillor Tooze.

Substitution: Councillor Mrs Smith for Councillor Tooze.

23. Minutes

The minutes of the meetings of the Planning Committee held on 30 January 2014 and 12 February 2014 were taken and read and were signed.

24. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One, he also declared that he had received correspondence from the applicants of application Nos 10/13/0035 and 41/13/0004. He declared that he had passed these items to the Planning Officers. He also 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 D Wedderkopp also declared that although he knew the applicant for application No 38/14/0017, he had not “fettered his discretion”. Councillor Coles declared that he had received an email in respect of application No 10/13/0035, he felt that he had not “fettered his discretion”. Councillor Miss James declared a personal interest as an employee of Somerset College. Councillor Bowrah declared that application No 43/13/0128 had been discussed at the Wellington Town Council meeting. He felt that he had not “fettered his discretion”. Councillor C Hill declared that the applicant for item 8, Tree Preservation Order TD1114 was a family member. He left the room while the item was being discussed. Councillor

Wren declared a personal interest as an employee of Natural England. He also declared that the applicant had asked for his view on application No 10/13/0035. He felt that he had “not fettered his discretion”. He pointed out that the tree the subject of the Tree Preservation Order was in his ward but had not been discussed. He declared that he would not take part in the debate. Finally, Councillor Wren declared that application No 41/13/0004 had been discussed but he felt that he had not “fettered his discretion”.

25. 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 development:-

41/13/0004

Change of use of land from agricultural to Solar Farm and erection of 14,000 Solar Panels and associated works at Grove Farm, Lydeard St Lawrence

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 4020 1064 – JR-PL. 001 R2 Site Design Plan;
 - (A3) DrNo 4020 1064 – PL 002 R4 Red Line Boundary;
 - (A3) DrNo40201064 – PL.004 Double Inverter – transformer station details;
 - (A3) DrNo 4020 1064 – PL.005 R2 Substation building;
 - (A3) DrNo 4020 1064 – PL.006 Gate, fence and construction road details;
 - (A3) DrNo 4020 1064 – PL.007 Racking system details;
 - (A3) DrNo 4020 1064 – PL.008 O&M Storage container; and
 - (A3) DrNo 3546_09: Landscape mitigation Strategy (received 26.02.2014);
- (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) 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 BSG Ecology's submitted report, dated November 2013 and shall 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;

- (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. The scheme shall show the hedgerows and trees to be retained and the method of protection during the construction phase. It shall also include proposals for returning the construction access to its existing condition. The scheme shall be based on the Landscape Mitigation Strategy received 26.02.2014; (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 Environmental 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 their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the containers, substations switchgear housing, and inverter housing hereby permitted shall 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;
- (i) 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 three months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority;
- (j) No development shall commence until a detailed surface water drainage strategy, based on the principles set out in the approved Flood Risk Assessment (FRA – prepared by Hydrock and dated January 2014 Ref; R/C13202/001.05 Issue 5) has been submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall include a site specific infiltration test and full maintenance details for all drainage infrastructures on site for the lifetime of the development. The development shall be carried out and subsequently maintained in strict accordance with the approved strategy;
- (k) No development shall commence until a pollution management plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include an assessment of the likely impacts of pollution during the construction and operation of the development to surface waters and groundwater abstraction sources. Where risks are identified through the assessment, appropriate mitigation measures shall be identified. The development shall be carried out and maintained in strict accordance with the approved plan;
- (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 construction, and thereafter maintained until the completion of the construction phase;

- (m) The construction access shall be returned to its former condition and the construction compound area shall be removed and the ground restored to its former condition (other than where drainage works are required in connection with this permission) in accordance with condition (f) 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 further grant of planning permission;
- (o) No external artificial lighting shall be installed on the site;
- (p) No development shall commence until a pollution management plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include an assessment of the likely impacts of pollution during the construction and operation of the development to surface waters and groundwater abstraction sources. Where risks are identified through the assessment, appropriate mitigation measures shall be identified. The development shall be carried out and maintained in strict accordance with the approved plan End 2.

(Notes to applicant:- (i) 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 had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that the condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal; (iii) Applicant was advised that most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); (iv) 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.)

38/14/0017

Erection of rear extension and construction of first floor with the removal of 2 No. chimneys and the enlargement of existing dormer to front of 180 Kingston Road, Taunton

Conditions

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

- (A4) DrNo 5012_03 Location Plan;
- (A4) DrNo 5012_03 Site Plan;
- (A1) DrNo 5012_01 Rev B Floor Plans; and
- (A1) DrNo 5012_02 Rev B Elevations;

(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 had negotiated amendments to the application to enable the grant of planning permission.)

47/14/0001

Installation of 16 No. ground mounted PV panels and creation of Nature Pond in field adjacent to Ivy Cottage, West Hatch

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 (revised);
- (A4) Site Plan;
- (A2) DrNo 1402 001 Existing Site Plan and Elevations;
- (A2) DrNo 1402 002 Proposed Floor Plan and Elevations; and
- (A2) DrNo 1402 003 Proposed Site Plan and Sections;

- (c) (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.

(Notes to applicant:- (i) Applicant was advised that the landscaping condition has been added as there are no submitted details; (ii) Applicant was advised

that the hedge should be allowed to grow up as indicated in the email dated 11 February 2014; (iii) 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.)

26. Residential development for the erection of 20 No. 1, 2, 3 and 4 bedroom dwellings, to include 5 No. affordable homes and Public Open Space at Ford House Farm Site, Honiton Road, Churchinford (amended scheme to 10/13/0016) (10/13/0035)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement by 31 March 2014 to secure the following:-

- (a) 25% affordable housing;
- (b) Community Leisure;
- (c) Provision for off site recreation of £1571 per dwelling;
- (d) Allotment provision of £209 per dwelling;
- (e) Community Hall contribution of £1208 per dwelling; and
- (f) Maintenance of the play area and open space;

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

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

- (A3) DrNo 06 Site Survey Plan;
- (A2) DrNo 20 Rev C Site Sections;
- (A3) DrNo 100 House Types HT1 Elevations and Plans;
- (A3) DrNo 110 Rev A House Types HT2 Elevations;
- (A3) DrNo 111 Rev A House Types HT2 Plans;
- (A3) DrNo 120 House Types HT3 Elevations and Plans;
- (A3) DrNo 131 House Types HT4a Elevations and Plans;
- (A3) DrNo 140 Rev A House Types HT5 Elevations and Plans;
- (A3) DrNo 150 Rev A House Types HT6 + HT9 1 Bed Elevations and Plans;
- (A3) DrNo 161 House Types HT7a Plans;
- (A3) DrNo 162 House Type HT7a Elevations and Plans;
- (A3) DrNo 180 Garage Elevations and Plans;
- (A3) DrNo 191 HT9 1 Bed Flats Elevations;
- (A4) DrNo G/MC124/01 Site Location Plan;
- (A4) DrNo G/MC124/02 Site Plan;
- (A3) DrNo 431-001 Site Location Plan;

(A3) DrNo 12 Rev B Site Plan;
(A3) DrNo 13C Site Plan; and
(A1) DrNo 12.327/350B Proposed Drainage Strategy Plan;

- (c) No development shall commence until a surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles set out in the approved Flood Risk Assessment (prepared by TWP Consulting and dated December 2013) and include details of phasing and maintenance responsibilities as well as means of controlling surface water flows during construction. The development shall be carried out in strict accordance with the details of the approved scheme;
- (d) No wall construction 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;
- (e) No wall construction shall begin until a panel of the proposed random rubble stone construction measuring at least 2m x 1m had been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by, the Local Planning Authority;
- (f) Any drive and/or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to their construction. Details of the surface finish of such areas shall be agreed in writing by the Local Planning Authority prior to their construction;
- (g) (i) Before any part of the house construction is commenced, a Landscaping Strategy for the site together with a detailed landscaping scheme, which shall include full 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;

(h) 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 Sunflower International Ecological Consultancy's preliminary Ecological appraisal and extended phase 1 habitat surveys dated October 2012, and include:-

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance; and
3. Measures for the enhancement of places of rest for wildlife;

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 bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

(i) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;

(j) No development shall commence (or other such timing to be agreed by the Local Planning Authority) until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority;

1. 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; and
- potentially unacceptable risks arising from contamination at the site;

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

3. The results of the site investigation and the detailed risk assessment referred to in (2) 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;

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) 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 written consent of the Local Planning Authority. The scheme shall be implemented as approved;

- (k) Details of noise levels for any pumping station to be provided on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being installed;
- (l) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detail and siting of equipment shall be agreed in writing by the Local Planning Authority. This area shall be laid out to the satisfaction of the Local Planning Authority within twelve 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;
- (m) Details of the existing ground levels of the house locations and finished floor levels shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction of dwellings commencing;
- (n) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved 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;
- (o) Details of renewable energy measures for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority and the said source must be commissioned and installed prior to occupation;
- (p) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (q) The windows and doors hereby permitted shall be timber as indicated on the application form and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to their installation;
- (r) The thatching hereby approved shall be carried out using good quality combed wheat reed, using a butt-up ridge with no decoration, unless otherwise agreed in writing by the Local Planning Authority;

- (s) At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (t) 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, motorcycle and cycle 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;
- (u) 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;
- (v) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at the gradient thereafter at all times;
- (w) No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to, and approved in writing by, the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- (x) Details of the external siting of any site manager's office and the storage of materials on site during construction shall be submitted and agreed by the Local Planning Authority prior to locating on site and shall avoid the public open space area defined on drawing 431/13C.

(Notes to applicant:- (i) 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 had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised of the following - 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. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iii) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways 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. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

27. Erection of 18 No. dwellings at land to the south of Taunton Road, Wellington (43/13/0128)

Reported this application.

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

- 5 No units of affordable housing, with 3 No. social rented and 2 No. shared ownership;
- Children's play - £2,904 per dwelling;
- Active recreation - £1,571 per dwelling;
- Allotments - £209 per dwelling;
- Community Halls - £1,208 per dwelling;
- Public art – either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs; and
- Provision of the Public Open Space on the eastern part of the site and transfer to the Council/appropriate ongoing maintenance measures and public access arrangements to be agreed,

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

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo A081504 01 Location Plan;
 - (A3) DrNo A081504 02 Constraints and Opportunities;
 - (A3) DrNo A081504 03 Rev 01 Site Layout;
 - (A3) DrNo A081504 04 Rev 01 Finishes Plan;
 - (A3) DrNo A081504 05 Rev A Street Scene;
 - (A3) DrNo HTA-P-S1 House Type A 3B 5P Private Plans and Elevations - Render Option;
 - (A3) DrNo HTP-P-S1 House Type B 4B 6P Private Plans and Elevations Brick;
 - (A3) DrNo HTB-P-S2 House Type B 4B 6P Private Plans and Elevations Render Option 02;
 - (A3) DrNo HTB-P-S3 House Type B 4B 6P Private Plans and Elevations Render Option 03;
 - (A3) DrNo HTC-P-51 House Type C 2B 3P Affordable Home Plans and Elevations Brick Option;
 - (A3) DrNo HTE-P-S1 House Type E 3B 5P Affordable Home Plans and Elevations Render Option;
 - (A3) DrNo HTG-P-S1 House Type G 1B 2P Affordable Home Plans and Elevations Brick Option; and
 - (A3) DrNo HTH-P-S1 House Type H - 4B 6P Private Plans & Elevations - Render Option;
- (c) No development shall commence until construction has reached damp proof course level on the veterinary hospital building granted planning permission under application number 43/11/0098 or any such application amending that permission made pursuant to Section 73 of the Town and Country Planning Act 1990 or any such application for substantially the same development that may be granted permission in the event that that permission should expire;
- (d) Prior to the commencement of the development hereby permitted, 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 drainage strategy shall demonstrate that the surface water run-off and volumes generated up to and including the 1 in 100 year critical storm will not exceed the run-off and volumes from the undeveloped site following the corresponding rainfall event. The scheme shall include details of phasing and maintenance. The development shall subsequently be implemented in accordance with the details approved;
- (e) Prior to the commencement of the development hereby permitted, an ecological management plan for the site shall be submitted to, and agreed

in writing by, the Local Planning Authority. The plan shall include the following details;-

- Working methods to protect the stream during construction works;
 - An undeveloped buffer (in metres) between the development and the stream;
 - Including planting and lighting details;
 - Enhancement measures for protected species and their habitat; and
 - Maintenance roles and responsibilities for any new or existing habitat on site for
 - Protected species;
- (f) The applicant 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 advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site discontinues;
- (g) The proposed estate roads, footways, 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, motorcycle and cycle 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, indication as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to, the Local Planning Authority. 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. The final surface dressing for the roads and footpaths shall be applied within three months of the occupation of the final dwelling;
- (h) (i) Prior to the commencement of the development hereby permitted, 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. The scheme shall also show the existing hedges to be protected and retained during the course of the development and the method of protection; (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, shrubs and hedgerows, including the retained trees and hedgerows, 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;

- (i) Prior to their position on site, details of the siting of any temporary building(s) construction and materials storage compound, including details of where soil is to be stored on site will be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with such details;
- (j) Prior to the occupation of the dwellings hereby permitted, a highway signage strategy for Taunton Road shall be submitted to, and approved in writing by, the Local Planning Authority. Such highway signage shall be fully provided in accordance with the approved plans to an agreed specification before the development is first occupied;
- (k) Prior to the occupation of the 9th dwelling, the proposed pedestrian link to the west between plots 14 and 15 shall be constructed and surfaced in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority;
- (l) Prior to the occupation of the 9th dwelling, the public open space shall be laid out in accordance with the details agreed pursuant to condition (i) and shall thereafter remain available for use by the general public and be maintained in accordance with those agreed details;
- (m) 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.

28. Objection to Tree Preservation Order TD1114, (Milverton No.1) 2013, at High Street, Milverton.

Reported that a Tree Preservation Order (T[PO) had been served on 13 November 2013 in connection with an Oak Tree on land at High Street, Milverton.

An objection to the service of the Order had been lodged. The tree appeared to be healthy. It was a large specimen Lucombe Oak, height and spread approximately 22 metres, trunk girth 4 metres plus. The estimated age of the tree was between 150 and 200 years. Lucombe Oak Trees were characteristic of the West Country but were quite rare.

The main reasons for the objection were:-

- (a) The recent death and removal of the adjacent Oak Tree had left the remaining tree vulnerable to the prevailing winds and imbalanced due to its previously restricted growth; and

(b) The tree was adjacent to a highway, footpath and houses. Its roots had damaged the adjacent retaining wall and were thought to be preventing the repair of the wall.

In response to these concerns, it was reported that although the TPO tree was now exposed to the prevailing wind, it was considered that, so long as the main structure and roots of the tree were sound, it would be able to withstand increased exposure.

The fact that the tree was adjacent to a highway, footpath and houses did not necessarily imply that it was dangerous and should be felled. It did appear that the growth of the tree's roots had contributed to the wall being pushed out towards the road. However, the Growth and Development Manager was not convinced that the wall could not be repaired without felling the tree. The tree had significant amenity and cultural value and it was considered that a solution to keep both the tree and to restore the wall should be found.

Noted that if the order was confirmed, it was recommended that the tree was regularly inspected by professional arborists to ensure that it was as safe as a large tree could be.

Resolved that the Tree Preservation Order be confirmed

29. Appeals

Reported that five decisions were received details of which were submitted.

Resolved that the reports be noted.

(The meeting ended at 9.18 pm)