

Planning Committee – 13 August 2014

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

Officers: - Bryn Kitching (Development Management Lead), Matthew Bale (Area
Co-ordinator - West), John Burton (Major Applications Co-ordinator),
Gareth Clifford (East Area Co-ordinator), Julie Moore (Major
Applications Co-ordinator), Tim Burton (Assistant Director, Planning
and Environment), Maria Casey (Planning and Litigation Solicitor) and
Emma Hill (Corporate Support Officer)

Also present: Alison North (Community Leisure Manager) in connection with
application No 38/14/0178, Councillor Cavill in connection with
application No 48/13/0008 and Mrs A Elder, a Co-opted Member of the
Standards Committee.

(The meeting commenced at 5.00 pm)

80. Apologies/Substitutions

Apologies : Councillors Tooze and Wren

Substitutions : Councillor Horsley for Councillor Tooze and Councillor
Ms Webber for Councillor Wren

81. Minutes

The minutes of the Planning Committee meeting held on the 16 July 2014
were taken read and were signed.

82. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal
interests as Members of Somerset County Council. Councillor D Wedderkopp
also declared that he was the Ward Councillor for application No 48/13/0008.
Councillor Gaines declared that he had attended a Parish Council meeting for
application No 49/14/0021. He felt that he had not 'fettered his discretion'.
Councillor Mrs Hill declared a personal interest as an employee of Somerset
County Council. Councillor C Hill declared that the applicant for application
No E/0033/35/14 was his neighbour. He felt that he had not 'fettered his
discretion'. Councillor Nottrodt declared a personal interest as a Director of
Southwest One.

83. 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:-

10/14/0024

Erection of six bedroom holiday chalet with associated garden pond and parking areas at Pay Plantation, Stapley

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 1544/PL/05B Elevations and Sections;
 - (A1) DRNo1544/PL/01B Location Plan;
 - (A1) DrNo 1544/PL/02B Plans;
 - (A1) DrNo 1544/PL/03B Plans;
 - (A1) DrNo 1544/PL/04B Elevations and Section;
 - (A4) DrNo 1544/PL/06B Location Plan;
- (c) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works had been submitted to, and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details and timetable agreed;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority;
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority;
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife in the form of a Construction Method

Statement (CEMP) and an ecological management plan has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Tyler Grange LLP submitted report, dated May 2014 and include:-

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for dormice;
- Details of a lighting strategy; and
- Details of Habitat 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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat, bird and dormice boxes and related accesses have been fully implemented;

- (f) Details of the external glazing to roof lights and the swimming pool area shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation and shall be carried out as agreed and thereafter retained;
- (g) There shall be no obstruction to visibility greater than 900millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;
- (h) There shall be no removal of the roadside hedgebank to the north of the site at any time;
- (i) The chalet shall be occupied for holiday purposes only; The chalet 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;
- (j) 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 development of the types described in Schedule 2, Part

1, Classes A to F of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(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 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. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed construction method statement clearly stating how wildlife and their habitats will be protected through the development process and to be provided with a mitigation proposal that will maintain the favourable status for dormice that are affected by the proposal.)

38/14/0175

Erection of balcony to the front of 5 Streamside, 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) Location Plan;
 - (A4) Site Plan ;
 - (A3) DrNo VPH-COOP-03 Rev 002 Floor Plans;
 - (A3) DrNo 02 221117 Balcony Front Elevations;
 - (A3) DrNo VPH-COOP-01 Rev 002 External Balcony and Stairs;
 - (A3) DrNo VPH-COOP-02 Rev 002 Existing and Proposed Elevations;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority and details of the colour finish of the balcony supports shall be submitted to, and approved in writing by the Local Planning Authority and thereafter carried out and retained as agreed.

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

38/14/0178

Construction of a swimming pool with erection of extension for Health Spa at the Leisure Centre with alterations to the main entrance area and provision of car parking at Blackbrook Pavilion, Blackbrook Way, 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:-
- (A1) DrNo 1254-P-10 Rev F Ground Floor Plan;
 - (A1) DrNo 1254-P-011 Rev B First Floor Plan;
 - (A1) DrNo 1254-P-101 Rev B Section A-A;
 - (A1) DrNo 1254-P-201 Rev A North and East Elevation;
 - (A1) DrNo 1254-P-202 Rev A South and West Elevations;
 - (A1) DrNo 1254-P-250 Rev A Aerial Perspective View;
 - (A1) DrNo 1254-P-251 Rev A Perspective View;
 - (A1) DrNo 1254-P-252 Rev A Spa Entrance Image;
 - (A1) DrNo 1254-P-503 Rev B Proposed Pitch and PV Layout;
 - (A1) DrNo 1254-P-504 Rev B Coach Turning Circle;
 - (A1) DrNo 1254-D-502 Rev C Site Plan (Sports Pitches);
 - (A1) DrNo 1254-D-253 Visualisation from Playing Field;
 - (A1) DrNo 1254-P-506 Rev A Surface Treatment to Overflow Parking;
 - (A1) DrNo 1254-P-508 Rev C Proposed Site Plan;
- (c) Prior to the commencement of the erection of any part of the building hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development 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;
- (d) Prior to the commencement of the erection of any part of the building hereby permitted, details and specifications of the lighting to be used on the building and car parking areas 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;
- (e) (i) The landscaping/planting scheme shown in the Landscaping Plan and Planting Specification document dated 30 July 2014 shall be completely

carried out within the first available planting season from the date of the development hereby permitted being brought into use;

(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;

- (f) The tree protection strategy shall be completely carried out in accordance with the details set out in the Arboriculture Impact Assessment and Tree Protection Plan dated 7 June 2014 prior to the commencement of any development on the site, unless otherwise agreed in writing by the Local Planning Authority;
- (g) 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 Michael Woods Associates submitted report, dated May 2014 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;

- (h) No development approved by this permission shall be commenced on site until a full operation and maintenance strategy for surface water has been submitted to, and formally approved in writing by, the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme. This strategy shall be implemented prior to the development hereby permitted being brought into use and shall thereafter be adhered to unless otherwise agreed in writing with the Local Planning Authority;
- (i) No development approved shall commence on site until a surface water run-off limitation scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be implemented prior to the development hereby permitted being brought into use and shall thereafter be adhered to unless otherwise agreed in writing with the Local Planning Authority;
- (j) Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be

provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to, and approved in writing by, the Local Planning Authority;

- (k) The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (l) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access extending to points on the nearside carriageway edge 60m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall be maintained at all times;
- (m) The development hereby approved shall not be brought into use until cycle storage facilities capable of accommodating 26 cycles has been provided within the site, details of which shall have been submitted to, and agreed in writing with the Local Planning Authority. The cycle storage shall thereafter remain available and not be used for any purpose, other than for the storage of cycles in connection with the development hereby permitted;
- (n) Prior to the commencement of development, the overflow car parking as shown on Drawing 1254-D-506 shall be constructed and brought into use. This parking shall thereafter remain available for use in connection with Blackbrook Pavilion Sports Centre;
- (o) The development hereby permitted shall not be brought into use until an amended travel plan has been submitted to, and approved in writing by, the Local Planning Authority.

(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 entered into pre-application discussions 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.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. Natural England requires that the Local Planning Authority must be satisfied that derogation from the

Habitats Directive is justified prior to issuing such a licence. 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. Whilst it is considered unlikely that Great Crested Newts are present on site, a toolbox talk should be given to alert contractors of the possibility of Great Crested Newts being present; (iii) Applicant was advised that the use of Sustainable Drainage Systems (SUDs) should be investigated for surface water drainage on site, in order to reduce the rate of run-off and to reduce pollution risks. The techniques involve controlling sources of increased surface water and include:-

- Interception and reuse
- Porous pavings/surfacing
- Infiltration Techniques
- Detention/Attenuation
- Wetlands

With reference to Conditions (h) and (i), the strategy/scheme should include full details identifying how flood risk and surface water disposal will be dealt with, following further design works; (iv) Applicant was advised that having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager. Application for such a permit should be made at least four weeks before access works are intended to commence).

43/14/0058

Erection of 4 No. two bedroom dwellings to the rear of 14 High Street, Wellington

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 001 Site, Location and Roof Plan;
 - (A1) DrNo 002 Ground Floor Plan as Proposed;
 - (A1) DrNo 003 Rev A First Floor Plan as Proposed;
 - (A1) DrNo 004 Cross Section as Proposed;
 - (A1) DrNo 005 Elevations as Proposed;
 - (A1) DrNo 006 Drainage Plan;
- (c) 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 include:-

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species;

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

- (d) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the building and the hard surfaces within the site of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (e) Prior to the occupation of the dwellings hereby permitted, the surface water drainage scheme indicated on drawing 006 hereby permitted shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to the occupation of the dwellings hereby permitted, the parking area indicated on drawing 002 hereby permitted shall be laid out and marked in accordance with that drawing and further details showing the method of marking out the parking spaces that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Once provided, the parking area shall thereafter be maintained as such in accordance with those details;
- (g) Prior to the occupation of each of the dwellings hereby permitted, provision shall be made for the secure storage of two cycles for each dwelling in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Once provided, the cycle provision shall thereafter be maintained as such;
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions or new windows shall be added to/inserted into the dwellings hereby permitted other than that 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).

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

17/14/0003

Erection of an agricultural building for livestock on land adjacent to Goulds Farm, Fitzhead

Reasons

- (a) The proposed development would create an unacceptably intense livestock enterprise given the small area of land available which would cause unacceptable harm to the amenity of neighbouring residents in terms of noise, odour and general disturbance of residential dwellings by reason of the close proximity of those dwellings, contrary to Policy DM1 of the Taunton Deane Core Strategy;
- (b) Insufficient information has been submitted to demonstrate that the development would not lead to ground water contamination and in particular contamination of the private water supply at Western Goulds Farm. The proposal is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy;
- (c) Insufficient information has been submitted in terms of proposed landscaping to satisfy the Local Planning Authority that the proposal would not cause unacceptable harm to the landscape and visual amenities of the area, contrary to Policy CP8 of the Taunton Deane Core Strategy.

24/14/0030

Outline application with some matters reserved for the erection of 1 No. three storey dwellings in the garden adjacent to Whitewell Cottage, 6 Moor Lane, North Curry

Reasons

- (a) The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map). It would lead to ribbon development and the ad-hoc extension of North Curry in an unplanned way. The proposal is therefore considered to be an unsustainable development contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy;
- (b) The application does not demonstrate that proposed development would not have a significant landscape impact as seen from the nearby public

footpath (on the opposite side of the road running from east to west) and from Moor Lane. The feasibility study shows that the proposed house elevation from Moor Lane although set back from the edge of the property would be quite dominating to walkers and to a lesser extent drivers and would be locally prominent interfering with the attractive middle and longer distance views when looking in an easterly direction. Also, the proposed entranceway which would open up views into the site, which would have an urbanising impact on the entrance route into North Curry. All of this would have a detrimental impact on the appearance and character of this rural area and the open countryside beyond and is therefore contrary to policies CP1 (g), DM1 (d) and CP8 of the adopted Taunton Deane Core Strategy and retained policy EN11 [Special Landscape Feature – North Curry Ridge] of the Taunton Deane Local Plan, adopted November 2004.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council the Council worked in a positive and pro-active way with applicants and looks 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 had been refused.)

49/14/0021

Demolition of warehouse and erection of 4 No. three bedroom terraced dwellings, 4 No. one bedroom apartments and office/commercial accommodation with associated car parking at Croftway/High Street, Wiveliscombe (amended scheme to 49/13/0041)

Reasons

- (a) The proposed development fails to make adequate provision on the site for the parking of vehicles. There is insufficient capacity for additional car parking within the Croft Way and North Street public car parks and additional residential parking in these areas would reduce the space available for visitors to the town which would have a negative impact on local businesses. In addition, the proposed development would therefore be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point and, therefore, the proposal is considered to conflict with Policy DM1 of the Taunton Deane Borough Council Core Strategy, retained Policy M4 of the Taunton Deane Local Plan and guidance provided by the Somerset County Council Parking Strategy;
- (b) The proposal does not incorporate the necessary visibility splays at the access which are essential in the interests of highway safety. It is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy and Paragraph 32 of the National Planning Policy Framework;
- (c) The proposed development, by reason of its scale, massing and layout, will adversely impact upon the residential amenity of neighbouring properties with regard to day light and outlook. The proposed development

is therefore considered to conflict with Policy DM1 of the Taunton Deane Core Strategy.

84. Outline planning application for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at Hartnells Farm, Monkton Heathfield (48/13/0008)

Reported this application.

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

- (a) 25% affordable housing to be split 60% social rent and 40% intermediate;
- (b) Drainage contributions to enable (i) the completion of a flood risk option study to identify an appropriate solution to overcome the drainage restrictions for this site (£500,000 max) (ii) the delivery of the agreed surface water drainage solution (£450,000 max);
- (c) Various highway works as outlined in the application;
- (d) Travel plan to reduce vehicular traffic movements from the new dwellings and financial contributions towards the implementation of a personalised travel plan for the existing community;
- (e) Provision and maintenance of public open space and children's play areas;
- (f) Contributions based on 170 dwellings towards the provision of the western relief road (actual level to be determined following legal advice from QC);
- (g) On site provision of Integrated Public Art;

the Assistant Director for Planning and Environment 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) (i) Before any phase of the development hereby permitted is commenced detailed drawings of the layout, scale, appearance, access boundary treatments and landscaping of the development shall be submitted to, and approved in writing by, the Local Planning Authority as required for each phase (hereinafter called "the reserved matters") The development shall thereafter be carried out in accordance with the agreed drawings:-
 - (ii) Application for approval of the reserved matters under (i) above relating to the first phase of development shall be made to the Local Planning Authority within three years of this planning permission and application for approval of reserved matters under (1) above relating to the remaining phases shall be made to the local planning authority within 10 years of the date of this permission. Phases are as described in the applicants e-mail dated 16th July and attached phasing plan;

(iii) The development hereby permitted shall be begun, not later than the expiration of three years from the date of this permission, or before the expiration of 2 years from the date of the approval of the final reserved matters whichever is the later;

(b) No development shall take place within the site until there has been submitted to, and approved in writing by, the Local Planning Authority, a design code for the site in its entirety (herein after called the "Design Code". The design code shall be submitted prior to the submission of any applications for reserved matters. The design code shall include detailed codings for:-

- Architectural and sustainable construction principles;
- Character areas, street types and street materials;
- Block types and block principles;
- Internal highways, cycleways and footpaths;
- Cycle and car parking principles;
- Building types, heights and materials;
- Surface treatments for all areas;
- Boundary treatments;
- Landscaping principles; and
- Children's play areas, public open space and allotments.

The Design Code shall be based upon the illustrated layout no STRA2004/4011;

(c) Applications for reserved matters shall accord with the approved design code unless an alternative is first agreed in writing by the Local Planning Authority;

(d) The development hereby permitted shall be carried out in strict accordance with the details of the approved Flood risk assessment (FRA – prepared by WSP consulting and dated 20th December 2013).

Prior to any reserved matters approval, a detailed drainage scheme for that phase, plot or parcel of land shall be submitted to, and agreed in writing by, the local planning authority. The scheme shall include details of the phasing and maintenance of all drainage infrastructure. The development shall be carried out in strict accordance with the approved details and thereafter maintained in full working condition;

(e) (i) Before any phase of the development hereby permitted is commenced details of the landscaping scheme for that phase, which shall include details of species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority;

(ii) Each phase of the landscaping scheme shall be completed before the following phase of the development commences unless otherwise agreed in writing by the Local Planning Authority;

- (iii) 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;
- (f) Prior to the commencement of each phase of development a landscape strategy and management plan shall be submitted to, and approved in writing by, the local planning authority. The landscape strategy and management plan shall include details of the proposed structural and internal landscaping, the maintenance of all open spaces including flood attenuation features and the proposed timings for the provision of the landscaping works. The landscape management plan shall include details of the extent and timing of grass cutting, shrub pruning and tree maintenance. The landscape strategy and management plan shall thereafter be implemented on site in accordance with the approved plan unless otherwise agreed in writing by the local planning authority;
- (g) Prior to the commencement of the first phase of development details of the Children's play areas and public open space shall be submitted to, and approved in writing by, the local planning authority. Such details shall be in compliance with the requirements of Taunton Deane Local Plan saved policy C4 and include details for the timing of the provision of those facilities and their subsequent maintenance. Once approved the Children's play areas and public open space shall be provided in and maintained in strict accordance with the approved details;
- (h) 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 development of the types described in Schedule 2 Part 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (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) Prior to the commencement of construction works on site a foul and surface water drainage strategy and timetable for its provision shall be submitted to, and approved in writing by, the local planning authority. The approved drainage scheme shall be thereafter be completed in accordance with the approved details;

- (k) Prior to the commencement of works on site detailed plans showing an open area adjacent to Hartnells Farm listed building shall be submitted to, and approved in writing by, the local planning authority. The plans shall be based on the details on the illustrative masterplan no 3201 and shall include the timing for its provision on site. Once agreed in writing the open area shall be laid out in accordance with the approved details and thereafter be maintained as such;
- (l) The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority;
- (m) No more than 150 dwellings shall be constructed and occupied until the western relief road, as required by the Taunton Deane Core Strategy, has opened for use;
- (n) Prior to the commencement of construction work on site details of a roundabout junction between the proposed service road and the A3259 highway, based on the submitted plan number 1492-PHL-107-A shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings hereby approved shall be occupied until the approved junction has been constructed in accordance with those details and is open for use by traffic;
- (o) No dwelling shall be occupied until that part of the service road or drive which gives access to it has been constructed in accordance with the approved plans;
- (p) No dwelling shall be occupied until space has been laid out within the site for cars to be parked off road and where appropriate for vehicles to turn so that they may enter and leave the site in forward gear;
- (q) Prior to the commencement of construction works on site full details of the proposed cycle parking for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include covered and secure storage facilities for cycles. Prior to the occupation of any dwelling hereby permitted the approved covered and secure storage facilities for cycles shall be provided in accordance with the approved details and shall thereafter be maintained unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (r) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling

before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath;

(s) No part of the access drive shall be laid out at a gradient steeper than 1 in 10;

(t) No work shall commence on the development hereby permitted until details of the proposed off-site highways works shown on drawings 1492-PHL-107-A & 1492-PHL-101 A have been submitted to; and approved in writing by; the Local Planning Authority; These works shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use;

(u) No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network;

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation - An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above);

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority;

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

(v) Prior to the commencement of works on site details of a wildlife mitigation scheme (Construction Environmental Management Plan (CEMP) and a Landscape and Ecology Management Plan (LEMP)) shall be submitted to and approved in writing by the local planning authority. Such plans shall be based on the Ecological Environmental Impact Statement and indicate the following:

- the creation or enhancement of a minimum of 1.88 Habitat Units of woodland planting using the methodology described in the Ecological Environmental Impact Statement based upon the current site boundary and habitat data provided in the submitted ecology reports (Thurley Associates, 2013a). It shall also include the locations, planting schedule and layout of the proposed habitat creation /enhancement will be agreed with Taunton Deane Borough Council prior to planting;
- The provision of a minimum of 20 metre buffer of woodland with an associated Somerset bank, as set out by Thurley Associates (2013a), around the northern and western boundaries of the site. Once the details are approved the Somerset bank shall be installed before commencement of the proposed built development unless an alternative timing is first submitted to, and approved in writing by, the Local Planning Authority;
- Retention of the existing hedgerows on the boundaries of the development facing open countryside. These can be incorporated into the buffer planting;

(w) Prior to the commencement of works on site a wildlife management plan for the whole development site shall be submitted to and approved in writing by the local planning authority. The wildlife management plan shall include the appropriate management of the woodland planting areas for lesser horseshoe bats and shall include measures to promote the establishment of the planting to a favourable structure for lesser horseshoe bats, such as future thinning and the replacement of 'nurse crop' species (such as poplar and Norway spruce) with oak and other native species to give a more diverse age range; The wildlife mitigation planting areas shall thereafter be managed in accordance with the approved wildlife management plan;

- (x) Prior to the commencement of works on site full details of the paths and cycleways into and through the woodland areas shall be submitted to, and approved in writing by, the local planning authority. The details shall ensure that all paths and cycle ways from outside the habitat buffer / corridor shall be constructed diagonally rather than at right angles and are not be lit. Such paths / cycle ways will not exceed 3m in width and that the paths and cycleways within the woodland areas are unlit by artificial lighting at all times;
- (y) Prior to the commencement of works on site full details of a lighting strategy shall be submitted to and approved in writing by the local planning authority.
This strategy shall follow the design suitable for lesser horseshoe bats produced by Somerset County Council (Bennett, 2012) and incorporate the following measures:
- There will be no routine night-time working during the construction stage of the development;
 - Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats. All bat corridors shall not exceed 0.1 Lux which is the recommended light level for horseshoe bats in corridors through development (Natural England, 2010);
 - Lighting will be of the LED type which is highly directional;
- (z) The gable ends of dwellings or other buildings facing woodland habitat creation will not have windows in order to reduce any artificial lighting affecting the behaviour of bats in new and existing habitat;
- (aa) There shall be no external artificial lighting on ends of dwellings or other buildings facing the woodland habitat creation areas or gardens adjacent to woodland habitat creation areas unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (i) Applicant was advised that there is limited available capacity in the existing water supply network to accommodate development. Network modelling will be required to determine the nature and cost of offsite network re-enforcement required to maintain levels of service; (ii) 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).

85. E/0033/35/14 – Alleged unauthorised development on land at Appley Orchard Farm, Bishops Hill, Stawley

Reported that complaints had been received regarding large quantities of timber being stored and the occupation of a mobile home on the site of Appley Orchard Farm, Bishops Hill, Stawley.

This complaint had been investigated and the owner of the land was informed that planning permission would be required to operate a logging business and to retain the mobile home.

As a result, the owner had indicated that the timber would be removed from the site.

However, a site visit in April 2014 found that a storage building was under construction on the land and the amounts of timber stored appeared to have increased. The mobile home was occupied and an additional timber building had also been constructed all without planning permission.

Resolved that:-

- (1) An enforcement notice be served for the removal from the land at Appley Orchard Farm, Bishops Hill, Stawley all the stacks of timber positioned along the side of the access track and around the agricultural barn; Cessation of the occupation of the mobile home for residential purposes and its removal from the site; and the removal of the unauthorised timber building sited adjacent to the mobile home;
- (2) Any enforcement notice served should have a six month compliance period for the cessation of the residential occupation of the mobile home and a three month compliance period for the removal of the timber stored on the land and for the removal of the timber building; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

(The meeting ended at 10.15pm)