

## **Planning Committee – 24 October 2017**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs J Adkins, M Adkins, Brown, Coles, Gage, C Hill, Horsley, Morrell, Mrs Reed, Sully, Townsend and Watson

Officers: - Tim Burton (Assistant Director - Planning and Environment), John Burton (Principal Planning Officer), Matt Bale (Area Planning Manager), Martin Evans (Solicitor, Shape Partnership Services), Richard Bryant (Democratic Services Manager) and Andrew Randell (Temporary Senior Democratic Services Officer)

Also present: Helen Vittery (Somerset County Council Highways), Lisa McCaffrey (Somerset County Council Transport Planner) and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

### **65. Welcome**

The Chairman welcomed everyone to the meeting held at the Somerset County Cricket Club, Priory Bridge Road, Taunton to give further consideration to the two applications for residential development at Staplegrove which had been deferred at the previous meeting on 20 September 2017.

### **66. Apologies/Substitutions**

Apologies: Councillors Martin-Scott, Nicholls and Wedderkopp.

Substitutions: Councillor Horsley for Councillor Wedderkopp; and Councillor Sully for Councillor Martin-Scott.

### **67. Minutes**

- The minutes of the meeting of the Planning Committee held on 13 September 2017 were taken as read and were signed.
- The minutes of the meeting of the Planning Committee held on 20 September 2017 were taken as read and were signed subject to the following amendments to the resolutions:-
  - (i) With regard to application No. 34/16/0014:-

**“Resolved** that application No. 34/16/0014 be **deferred** to allow for further consideration of the following issues:-

- The provision of the 25% target for affordable housing set out in Core Strategy Policy CP4 instead of the 15% offered;
- The provision of the proposed Spine Road prior to the

commencement of any residential development;

- The provision of development without the loss of the Oak trees or the Dormouse habitat; and
- The effect of the proposed development on traffic flows both within the town centre and Taunton Town as a whole.

and

- (ii) With regard to application No. 34/16/0007:-

**"Resolved** that application No. 34/16/0007 be **deferred** to allow for further consideration of the following issues:-

- The provision of the 25% target for affordable housing set out in Core Strategy Policy CP4 instead of the 15% offered;
- The provision of the proposed Spine Road prior to the commencement of any residential development;
- The removal of the proposal to provide a dropdown road to Corkscrew Lane / Manor Road to facilitate the first phase of the proposed housing development;
- The provision of development without the loss of the Oak trees or the Dormouse habitat; and
- The effect of the proposed development on traffic flows both within the town centre and Taunton Town as a whole.

## **68. Declarations of Interest**

Councillor Coles declared a personal interest as a Member of Somerset County Council and as a Member of Devon and Somerset Fire and Rescue Service. Councillor Townsend declared that he was the Ward Councillor for Staplegrove and a Parish Councillor for Kingston St Mary Parish Council. He also declared that he had attended nearly all of the resident group meetings regarding these applications as well as meetings with officers and the developers in public settings. He declared that he had not 'fettered his discretion'. The Chairman and the other Members of the Committee all declared that they had received various communications from members of the public in connection with the applications. All confirmed that they had not 'fettered their dispositions'.

## **69. Outline permission (with all matters reserved except for access) for the erection of up to 915 residential units, a primary school, 1 ha of employment land, local centre, open space including allotments and sports pitches, green infrastructure, landscaping, woodland planting, sustainable drainage systems and associated works; including provision of an internal Spine Road to connect the A358 Staplegrove Road to Kingston Road on land at Staplegrove (East), Taunton (34/16/0014)**

Considered report previously circulated, which set out in detail further information relating to the matters upon which the application was deferred at the meeting of the Planning Committee on 20 September 2017.

The Committee heard representations from 24 individuals, the County Councillor who represented the Rowbarton and Staplegrove Division and three Taunton Deane Councillors who were not Members of the Committee.

At the conclusion of the debate, it was proposed by Councillor Coles, seconded by Councillor Mrs Adkins that the application be refused on the following grounds:-

- The application proposes insufficient affordable housing to meet identified local needs; and
- The spine road is not being provided at the outset, which will give rise to an unacceptable increase in traffic on the local highway network, resulting in a severe impact on highway safety, contrary to the National Planning Policy Framework.

The development is, therefore, not considered to be sustainable development within the meaning of the Framework taken as a whole.

In accordance with Standing Order 18(2)(a), the Chairman called for a formal roll call of votes to be taken in respect of the above motion and recorded in the Minutes.

The motion was put and was lost with six Councillors in favour and eight against, as follows:-

Yes	No	Abstain
Councillor Mrs Adkins	Councillor Bowrah	
Councillor M Adkins	Councillor Brown	
Councillor Coles	Councillor Gage	
Councillor Mrs Hill	Councillor C Hill	
Councillor Horsley	Councillor Mrs Reed	
Councillor Morrell	Councillor Sully	
	Councillor Townsend	
	Councillor Watson	

Further proposed by Councillor Morrell, seconded by Councillor Coles that the application be deferred pending the outcome of the Council's application for Housing Infrastructure Funding.

In accordance with Standing Order 18(2)(a), the Chairman called for a formal roll call of votes to be taken in respect of the above motion and recorded in the Minutes.

The motion was put and was lost with six Councillors in favour and eight against, as follows:-

<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Councillor Mrs Adkins	Councillor Bowrah	
Councillor M Adkins	Councillor Brown	
Councillor Coles	Councillor Gage	
Councillor Mrs Hill	Councillor C Hill	
Councillor Horsley	Councillor Mrs Reed	
Councillor Morrell	Councillor Sully	
	Councillor Townsend	
	Councillor Watson	

Following the above, it was proposed by Councillor Gage, seconded by Councillor Sully that outline planning permission be granted in respect of application No. 34/16/0014.

In accordance with Standing Order 18(2)(a), the Chairman called for a formal roll call of votes to be taken and recorded in the Minutes.

The recommendation, which is detailed below, was put and was carried with seven Councillors in favour, six Councillors voting against and one abstaining as follows:-

<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Councillor Bowrah	Councillor Mrs Adkins	Councillor Townsend
Councillor Brown	Councillor M Adkins	
Councillor Gage	Councillor Coles	
Councillor C Hill	Councillor Mrs Hill	
Councillor Mrs Reed	Councillor Horsley	
Councillor Sully	Councillor Morrell	
Councillor Watson		

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure the following items to the Council's satisfaction:-

- A minimum of 15% affordable housing;
- Off-site highway works at the following junctions:-
  - A358 site access signalised junction;
  - Kingston road site access signalised junction;
  - Silk Mills signalised junction;
  - Cross Keys signalised junction;
  - Corkscrew Lane/Hope Corner Lane/Kingston Road junction improvement and signalisation;
  - Improvements to Kingston Road Gyratory (Cheddon Road / Priorswood Road / St Andrews Road / Kingston Road / Greenway Road / Station Road / Station Approach);
  - Improvement measures for Gipsy Lane; and
  - Improvements to pedestrian links to Taunton Academy;

- The down-grading of the temporary access to phase 1 housing off Corkscrew Lane to a pedestrian and cycle route only;
- A technology package (MOVA/SCOOT) for the following junctions:-
  - Silk Mills Junction;
  - Development access on the A358;
  - Cross Keys Junction (if required);
  - Manor Road / Staplegrove Road Junction;
- Traffic management works for Manor Road / Corkscrew Lane;
- Travel Plan;
- Improvements to bus services serving the site;
- Delivery and timing of Spine Road;
- Prohibition of vehicle traffic on Rectory Road and Whitmore Lane (south) when the Spine Road has been delivered and is open to traffic to prevent unwanted vehicular shortcuts;
- On site pedestrian and cycle network;
- Details of the land transfer arrangements for the required primary school site;
- Provision of land for on-site play equipment, sports facilities and allotments (in accordance with the Council's adopted standards);
- Management and maintenance of the proposed landscape woodland buffer and SUDS features;
- Relationship with the Staplegrove West application (LPA ref: 34/16/0007); and
- A review mechanism to allow for more than 15% affordable housing, if the scheme becomes more profitable than currently argued or if the Council is successful in bids to the Government for funding under the Housing Infrastructure Fund;

*(Should it not prove possible to agree these obligations the matter will need to be reported back to this Committee for further consideration.)*

the Assistant Director – Planning and Environment 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:-

- (a) Approval of the details of the layout, scale, appearance, and landscaping of each phase of the Development (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the local planning authority) be carried out as approved. Application for approval of the reserved matters of the first phase shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for the final phase of the development shall be submitted to the Local Planning Authority not later than the expiration of ten years from the date of this permission. Each phase of the development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters for that phase, or in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following

approved plans:-

- 1005.E.001 Location Plan;
- 1005.P.001 Illustrative Masterplan;
- ITL0047-SK-019 RD\_ Proposed amendments to Silk Mills Junction;
- 0781-GA-045-RD\_Kingston Road Site Access Signalised Junction Option;
- ITL10047-SK-029 RB\_Access from Corkscrew Lane Restricted Access Option 3; and
- ITL10047-SK-031- Access from Corkscrew Lane Restricted Access;

- (c) An application for approval of reserved matters shall not be submitted until there has been submitted to, the Local Planning Authority a phasing and place-making strategy covering the general locations and phasing of the delivery of housing, infrastructure, transport links and community facilities within the whole development. This strategy shall also include the timing and delivery of the agreed highway improvements. The phasing strategy shall set out information on how the delivery of these elements will be integrated through green infrastructure to ensure that a cohesive and high quality place is created. The strategy shall identify any potential opportunities for the consultation with, or the involvement of, the local community or other stakeholders in the delivery and/or maintenance of community facilities. Thereafter each application for approval of reserved matters shall include an explanation of how the development of the phase or sub phase it covers relates to the phasing strategy of the overall development. The development shall be carried out in accordance with the approved phasing and place making strategy unless otherwise agreed in writing by the Local Planning Authority;
- (d) An application for approval of reserved matters for a phase or sub phase shall not be submitted until there has been submitted to the Local Planning Authority a Neighbourhood Masterplan and Design Guide for the Neighbourhood Area to which that application for approval of reserved matters relates. The Neighbourhood Masterplan and Design Guide shall be accompanied by a statement explaining how it accords with the Masterplan approved by this outline consent and the North Taunton Framework Plan and Development Brief as approved by Taunton Deane Borough Council in December 2015. If they do not accord with these documents then reasons for this will need to be given. The Neighbourhood Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces for the Neighbourhood Area to which they relate. The Neighbourhood Masterplan and Design Guide shall demonstrate how the Neighbourhood Area will function and explain its overall character and grain;
- (e) An application for approval of reserved matters shall not be submitted until there has been submitted to, the Local Planning Authority, an Appearance Palette which includes the phase or sub phase to which that application for approval of reserved matters relates. The Appearance Palette shall include details of individual character areas, guidance on building design, building materials, surface materials, street furniture and tree species for the phase or sub phase to which it relates. Any subsequent revisions to an approved Appearance Palette shall be subject to the approval of the Local Planning Authority;

- (f) An application for approval of reserved matters which encompasses the area designated as the local centre, shall not be submitted until a Design Brief has been submitted to the Local Planning Authority. The Design Brief shall provide information on the principles for the detailed design of the following matters - areas of public open space and public realm, and the landscaping of those spaces; streets; buildings including the proposed approach to architectural design and material;
- (g) No development hereby approved 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 by the Local Planning Authority. Thereafter, the written scheme of archaeological investigation shall be implemented in accordance with its terms;
- (h) Prior to the commencement of each phase of the development, with the exception of any required enabling works, earthworks and access, a foul water drainage strategy for that phase shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The foul water drainage strategy shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the phase to which it relates. The foul water drainage strategy shall thereafter be implemented in accordance with the approved details and to a timetable agreed;
- (i) Prior to the commencement of each phase of the development, with the exception of any required enabling works, earthworks and access, details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved by, the Local Planning Authority. The drainage strategy shall ensure that surface water run off post development is attenuated on site and discharged at a rate of 2 l/s/ha or greenfield run off rates, whichever rate is lower. Such works shall be carried out in accordance with the approved details. These details shall include: -
  - o Evidence that an appropriate right of discharge for surface water and any necessary improvements has been obtained;
  - o Details of the drainage during construction of that phase or sub phase and information of maintenance of drainage systems during construction of this phase;
  - o Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 m minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
  - o Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which shall include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - o Identification of all future land-use limitations, ownership, operation and maintenance arrangements for the works over the lifetime of the scheme;

- o Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 year (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties;
- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development; and
- o An agreed timetable for delivery;

The approved scheme shall meet the requirements of both the Environment Agency and the Lead Local Flood Authority. Prior to the occupation of any dwelling of each phase it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details;

- (j) No phase or sub phase of development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental and Traffic Management Plan for that phase or sub phase has been submitted to, and approved in writing by, the Local Planning Authority. In discharging this condition the following information shall be supplied:-

- o Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
- o Construction vehicle routes to and from site including any off site routes for the disposal of excavated material;
- o Construction delivery hours;
- o Expected number of construction vehicles per day;
- o Car parking for contractors;
- o A scheme to encourage the use of Public Transport amongst contractors; and
- o Measures to avoid traffic congestion impacting upon the Strategic Road network;
- o Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
- o The control and removal of spoil and wastes;
- o A scheme of measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities; the scheme shall include details of the following:-
  - Site security;
  - Fuel oil storage, bunding, delivery and use;
  - How both minor and major spillage will be dealt with;
  - Containment of silt/soil contaminated run-off;
  - Disposal of contaminated drainage, including water pumped from excavations; and

- Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for subcontracted works must include a requirement for details of how the above will be implemented;
  - o The proposed hours of operation of construction activities;
  - o The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
  - o Sound attenuation measures incorporated to reduce noise at source;
  - o Details of measures to be taken to reduce the generation of dust; and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - o Ecological Construction Method Statement [ECMS]; The agreed Construction Environmental and Traffic Management Plan shall thereafter be implemented in full;
- (k) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority, for a remediation strategy detailing how this unsuspected contamination shall be dealt with;
- (l) Applications for reserved matters approval shall include a hard and soft landscaping scheme for the phase or sub phase of the development to which it relates. The hard and soft landscaping scheme shall include for the phase or sub phase to which it relates details of the landscaping; details of the surface treatment of the open parts of the site; a programme of implementation; and a planting schedule to include numbers, density, size, species and positions of all new trees and shrubs. The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development phase;
- (m) 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 similar size and species;
- (n) Before each phase of the development is commenced, the following shall in respect of that phase be submitted to, and approved in writing by, the Local Planning Authority:
  - A plan showing the location of and allocating a reference number to each existing tree on the part of the site within that phase which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained, the crown spread of each retained tree and which are to be removed;
  - Details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour, canopy spread and root protection area of each tree identified in the plan prepared pursuant to the above paragraph;

- Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site; and
- Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development;

The development of that phase shall thereafter be carried out in accordance with the approved scheme. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in the above paragraph;

- (o) No works (including demolition, ground works, vegetation clearance) shall be commenced on any phase of the development hereby permitted until details of a wildlife strategy (incorporating an Ecological Construction Method Statement [ECMS] and a Landscape and Ecological Management Plan [LEMP]) to protect and enhance that phase of the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall demonstrate how the long-term conservation of new and retained environmental resources, including habitats and species of biodiversity value, shall be secured and shall include arrangements for implementation responsibilities for the operation of the strategy following completion of development of each phase or sub phase of the development. It will need to meet the requirements of any Natural England European Protected Species Mitigation Licences. The strategy shall be based on the advice of all the submitted landscape and ecology reports to date including those contained within the Environmental Statement (dated February 2016) including the Ecological Report submitted by Wildwood Ecology (dated November 2013), the Pyrland Hall Farm Preliminary Ecological Appraisal (Wildwood Ecology, February 2014), the Protected Species Survey - Bats (Wildwood Ecology, August 2015), the Pyrland Hall Estate Protected Species Survey - Bats (Wildwood Ecology, February 2014), the 'Results of a Climbing Survey for Bats at Staplegrove', by Andrews Ecology (dated July 2015), the Great Crested Newt Survey Report and Outline Mitigation Strategy by Wildwood Ecology (dated July 2015), the Dormouse Survey Report (Wildwood Ecology, December 2015), the Badger Survey Report (Wildwood Ecology, December 2014), the Breeding Birds Survey (Wildwood Ecology, July 2015), the Environmental Statement Addendum (dated December 2016) and the Habitat Regulations Assessment (May 2016), and any other up to date surveys and include:-

1. An Ecological Construction Method Statement (ECMS) containing details of protective measures to include method statements to avoid impacts on all wildlife especially protected species during all stages of development;
2. Details of measures to prevent pollution of all water courses on or near the site;
3. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance;
4. Arrangements to secure an Ecological Clerk of Works on site;
5. Measures for the enhancement of places of rest for protected species;
6. Details of a sensitive lighting strategy;
7. Use of protective fences, exclusion barriers and warning signs;

8. A commitment to commence planting of replacement habitat no later than day one of each phase of the development;

The strategy shall cover management of the whole site in perpetuity from completion of the works and, once approved, the works shall be implemented in accordance with the approved details and timing of the works. No part of the development on the phase concerned shall be occupied until the scheme for the maintenance and provision of the mitigation planting and maintenance of the hibernacula, bat, dormice and bird boxes and elated accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained in accordance with the approved details;

- (p) No more than 12 months prior to the commencement of works on a phase of the development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to:-
- Bats;
  - Dormice;
  - Great Crested Newts; and
  - Otters;
- The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures;
- (q) A habitat enhancement area of a minimum of either 10.92 hectares or 10.39 hectares of replacement habitat will be required depending on whether i) the Staplegrove West application does not come forward or ii) with a Staplegrove West application receiving permission respectively, in accordance with the agreed Habitat Regulations Assessment (May 2016). The replacement habitat shall be of accessible woodland, ponds and species rich meadow is created, which is accessible to Lesser Horseshoe Bats. The layout of and a planting schedule for the habitat creation / enhancement of this open space shall be submitted to and agreed with Taunton Deane Borough Council prior to work commencing on site (apart from any associated enabling works, earthworks and/or access). This enhancement will be planted at the first available planting season (October to March) following permission unless otherwise agreed with the Council;
- (r) A bat house for Lesser Horseshoe Bats will be constructed on the northern boundary, prior to any work commencing on site. The design and location of the bat roost shall first have been submitted to, and approved by, the Local Planning Authority and shall remain in place at all times thereafter;
- (s) Before any development takes place, the northern and western boundary hedgerows shall be retained in accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, giving the position, species and health of all such hedgerows and where necessary details of planting to infill existing gaps. These hedgerows shall then remain in accordance with these details and any parts of the hedgerow 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 similar size and species;
- (t) Once the first phase of development has commenced, ecological monitoring of the whole site, for a period of time to be agreed between the Local Planning Authority and the applicant, shall be undertaken;

- (u) The proposals hereby approved shall be carried out strictly in accordance with the avoidance and mitigation measures put forward as conditions in Chapter 6 Section 124 of the approved Habitats Regulations Assessment. Where further information is specified to be provided by any of these requirements, this information shall have been provided to, and approved by, the Local Planning Authority before the relevant part(s) of the development is/are commenced and shall include a timetable for implementation of the measures. The agreed works shall then be implemented in full strictly in accordance with the approved plans and/or documentation and remain as such at all times thereafter;
- (v) No external lighting shall be placed on site or operated in any phase of the development until a Lighting Strategy for Biodiversity for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall incorporate the following measures:-
  - (i) Identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - (ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications showing Lux levels down to an agreed level) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places;
  - (iii) Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats and other species. The applicant will demonstrate that all bat corridors and feeding habitat will not exceed the level of illumination to be agreed, which shall be the recommended light level for Horseshoe Bats in corridors through development (Natural England, 2010) and 0.5 Lux where falling on other wildlife habitats. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels;
  - (iv) Lighting will be of the soft white LED type with optics that are highly directional;
  - (v) Paths within the enhanced habitat areas will not be lit as these are primarily designed to replace the value of the habitat lost that would otherwise constitute a potential significant effect on the Hestercombe House SAC;
  - (vi) Properties with gardens adjacent to habitat used by Lesser Horseshoe Bats shall have their boundaries fixed with a 1.8 m high closed boarded fence to minimise incidental light spill from uncontrolled lighting and to prevent removal of habitat to extend gardens; and
  - (viii) There will be no routine night-time working during the construction stage of the development;

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy at all times thereafter;

- (w) Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats and other species. The applicant will demonstrate that all bat corridors and feeding habitat will not exceed the level of illumination to be agreed, which should be the recommended light level for Horseshoe Bats in corridors through development (Natural

England, 2010) and 0.5 Lux where falling on other wildlife habitats.

Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels;

- (x) The proposed roads, including footpaths and, where applicable, turning spaces and cycle way connections, 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;
- (y) Construction of the internal spine road is to be completed in full within five years of the first occupation or a maximum of 326 of the residential units hereby approved, being occupied, whichever is achieved first. No individual phase of the development shall be occupied or brought into use until the part of the spine road that provides access to that phase has been constructed in accordance with plans that shall previously have been submitted to, and approved by, the Local Planning Authority;
- (z) In the interests of sustainable development none of the dwellings in the first phase (as will be agreed by condition (c) of this permission) shall be used or occupied until a network of cycleway and footpath connections has been constructed within the development site as a whole in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (aa) In relation to the spine road, any access shall ensure that there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before any junction(s) with the spine road is/(are) brought into use and shall thereafter be maintained at all times;
- (bb) No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein;
- (cc) Before the completion of the proposed spine road, traffic calming measures for Manor Road and Corkscrew Lane shall have been submitted to, and approved in writing by, the Local Planning Authority. The measures shall then be implemented in full, in accordance with the approved scheme(s) and remain in place in full working order as approved at all times thereafter;
- (dd) No part of the development hereby approved shall include B1(a) office development as defined by the 'Town and Country Planning (Use Classes) Order 1987';
- (ee) No dwelling in any phase or sub phase hereby permitted, shall be occupied until footpath connections have been constructed within the phase or sub phase in accordance with a scheme that shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (ff) No development shall commence on any phase until a proposed layout scheme to include the provision of access to other parts of the Staplegrove site as identified in Policy TAU2 of the adopted Site Allocation and Development Management Plan, has been submitted for approval in writing to the Local Planning Authority. The layout scheme will be in a form that is adequate to accommodate public transport, vehicles, cycleways and footpath linkages for the future development of the Staplegrove site. The development shall be carried out strictly in accordance with the approved details;

(gg) The applicant shall ensure that all construction 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 commencement of development and thereafter maintained until the site has been fully completed;

(Notes to applicant:- (1) 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 entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that 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; (3) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement for each phase of the development 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 favourable status for these species that are affected by this development proposal; (4) Applicant was advised that Dormice, bats and possibly Great Crested Newts are known to use the site as identified in submitted ecological surveys. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are 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 approval of this outline application, does not mean that Natural England has reached any views as to whether a licence may be granted; (5) Applicant was advised that 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; (6) Applicant was advised that nesting birds

are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed; (7) Applicant was advised that the applicant is hereby advised to note that the Crime Prevention Design Advisor at Avon and Somerset Police would be pleased to work with them at the detailed design stage in order to 'design out' crime and disorder in this major mixed use redevelopment; (8) Applicant was advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc. in accordance with the Police approved 'Secured by Design' award scheme, full details of which are available on the SBD website; (9) Applicant was advised that development, insofar as it affects Public Rights Of Way (PROW), should not be started (and the rights of way kept open for public use) until, the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with; (10) Applicant was advised that the health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so; (11) Applicant was advised that if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC's Rights of Way Group:-

- A PROW being made less convenient for continued public use;
- New furniture being needed along a PROW;
- Changes to the surface of a PROW being needed; and
- Changes to the existing drainage arrangements associated with the PROW;

If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.)

**70. Outline permission (with all matters reserved except for access) for a residential-led mixed use urban extension to include up to 713 dwellings, 1 ha of employment land comprising use classes B1 (a) (up to a maximum of 2500sqm), B1(b), B1 (c), B2, B8 together with green infrastructure, landscaping, play areas, sustainable drainage systems (SUDS) and associated works. An internal Spine Road is proposed to connect the A358 Staplegrove Road and Taunton Road at land at Staplegrove (West), Taunton (34/16/0007)**

Considered report previously circulated, which set out in detail further information relating to the matters upon which the application was deferred at the meeting of the Planning Committee on 20 September 2017.

The Committee heard representations from 24 individuals, the County Councillor who represented the Rowbarton and Staplegrove Division and three Taunton Deane Councillors who were not Members of the Committee.

Proposed by Councillor Mrs Reed, seconded by Councillor Sully that outline planning permission be granted in respect of application No. 34/16/0007.

In accordance with Standing Order 18(2)(a), the Chairman called for a formal roll call of votes to be taken and recorded in the Minutes.

The recommendation, which is detailed below, was put and was carried with seven Councillors in favour, six Councillors voting against and one abstaining as follows:-

Yes	No	Abstain
Councillor Bowrah	Councillor Mrs Adkins	Councillor Townsend
Councillor Brown	Councillor M Adkins	
Councillor Gage	Councillor Coles	
Councillor C Hill	Councillor Mrs Hill	
Councillor Mrs Reed	Councillor Horsley	
Councillor Sully	Councillor Morrell	
Councillor Watson		

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure the following items to the Council's satisfaction:-

- A minimum of 15% affordable housing
- Off-site highway works at the following junctions:-
  - A358 site access signalised junction;
  - Kingston road site access signalised junction;
  - Silk Mills signalised junction;
  - Cross Keys signalised junction;
  - Corkscrew Lane/Hope Corner Lane/Kingston Road junction improvement and signalisation;
  - Improvements to Kingston Road Gyratory (Cheddon Road / Priorswood Road / St Andrews Road / Kingston Road / Greenway Road / Station Road / Station Approach);
  - Improvement measures for Gipsy Lane; and
  - Improvements to pedestrian links to Taunton Academy;
- The down-grading of the temporary access to phase 1 housing off Corkscrew Lane to a pedestrian and cycle route only;
- A technology package (MOVA/SCOOT) for the following junctions:-
  - Silk Mills Junction;
  - Development access on the A358;
  - Cross Keys Junction (if required); and
  - Manor Road / Staplegrove Road Junction;
- Traffic management works for Manor Road / Corkscrew Lane;
- Travel Plan;
- Improvements to bus services serving the site;
- Delivery and timing of Spine Road;
- Prohibition of vehicle traffic on Rectory Road and Whitmore Lane (south) when the Spine Road has been delivered and is open to traffic to prevent unwanted vehicular shortcuts;
- On site pedestrian and cycle network;

- Details of the land transfer arrangements for the required primary school site;
- Provision of land for on-site play equipment, sports facilities and allotments (in accordance with the Council's adopted standards).
- Management and maintenance of the proposed landscape woodland buffer and SUDS features.
- Relationship with the Staplegrove East application (LPA ref: 34/16/0014); and
- A review mechanism to allow for more than 15% affordable housing, if the scheme becomes more profitable than currently argued or if the Council is successful in bids to the Government for funding under the Housing Infrastructure Fund;

*(Should it not prove possible to agree these obligations the matter will need to be reported back to this Committee for further consideration.)*

the Assistant Director – Planning and Environment 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:-

- (a) Approval of the details of the layout, scale, appearance, and landscaping of each phase of the Development (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the Local Planning Authority) be carried out as approved. Application for approval of the reserved matters of the first phase shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for the final phase of the development shall be submitted to the Local Planning Authority not later than the expiration of ten years from the date of this permission. Each phase of the development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters for that phase, or in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved plans:-
  - 14-017-110B\_Site Plan;
  - 14017\_407E\_Proposed Masterplan;
  - ITL0047-SK-019 RD\_Proposed amendments to Silk Mills Junction;
  - 0781-GA-045-RD\_Kingston Road Site Access Signalised Junction Option ITL10047-SK-029 RB\_Access from Corkscrew Lane Restricted Access Option 3;
  - ITL10047-SK-031- Access from Corkscrew Lane Restricted Access;
- (c) An application for approval of reserved matters shall not be submitted until there has been submitted the Local Planning Authority a phasing and place-making strategy covering the general locations and phasing of the delivery of housing, infrastructure, transport links and community facilities within the whole development. This strategy shall also include the timing and delivery of the agreed highway improvements. The phasing strategy

- shall set out information on how the delivery of these elements will be integrated through green infrastructure to ensure that a cohesive and high quality place is created. The strategy shall identify any potential opportunities for the consultation with or the involvement of the local community or other stakeholders in the delivery and/or maintenance of community facilities. Thereafter each application for approval of reserved matters shall include an explanation of how the development of the phase or sub phase it covers relates to the phasing strategy of the overall development. The development shall be carried out in accordance with the approved phasing and placemaking strategy unless otherwise agreed in writing by the Local Planning Authority;
- (d) An application for approval of reserved matters for a phase or sub phase shall not be submitted until there has been submitted to the Local Planning Authority a Neighbourhood Masterplan and Design Guide for the Neighbourhood Area to which that application for approval of reserved matters relates. The Neighbourhood Masterplan and Design Guide shall be accompanied by a statement explaining how it accords with the Masterplan approved by this outline consent and the North Taunton Framework Plan and Development Brief as approved by Taunton Deane Borough Council in December 2015. If they do not accord with these documents then reasons for this will need to be given. The Neighbourhood Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces for the Neighbourhood Area to which they relate. The Neighbourhood Masterplan and Design Guide shall demonstrate how the Neighbourhood Area will function and explain its overall character and grain;
- (e) An application for approval of reserved matters shall not be submitted until there has been submitted to the Local Planning Authority, an Appearance Palette which includes the phase or sub phase to which that application for approval of reserved matters relates. The Appearance Palette shall include details of individual character areas, guidance on building design, building materials, surface materials, street furniture and tree species for the phase or sub phase to which it relates. Any subsequent revisions to an approved Appearance Palette shall be subject to the approval of the Local Planning Authority;
- (f) No development hereby approved 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 by the Local Planning Authority. Thereafter, the written scheme of archaeological investigation shall be implemented in accordance with its terms;
- (g) Prior to the commencement of each phase of the development, with the exception of any required enabling works, earthworks and access, a foul water drainage strategy for that phase shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The foul water drainage strategy shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the phase to which it relates. The foul water drainage strategy shall thereafter be implemented in accordance with the approved details and to a timetable agreed with the Local Planning Authority;
- (h) Prior to the commencement of each phase of the development, with the exception of any required enabling works, earthworks and access, details of the surface water drainage scheme based on sustainable drainage

principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall ensure that surface water run off post development is attenuated on site and discharged at a rate of 2 l/s/ha or greenfield run off rates, whichever rate is lower. Such works shall be carried out in accordance with the approved details. These details shall include:-

- Evidence that an appropriate right of discharge for surface water and any necessary improvements has been obtained;
- Details of the drainage during construction of that phase or sub phase and information of maintenance of drainage systems during construction of this phase;
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 m minimum), the methods employed to delay and control surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which shall include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Identification of all future land-use limitations, ownership, operation and maintenance arrangements for the works over the lifetime of the scheme;
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 year (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties;
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development; and
- An agreed timetable for delivery;

The approved scheme shall meet the requirements of both the Environment Agency and the Lead Local Flood Authority. Prior to the occupation of any dwelling of each phase it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details;

- (i) No phase or sub phase of development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental and Traffic Management Plan for that phase or sub phase has been submitted to, and approved in writing by, the Local Planning Authority. In discharging this condition the following information shall be supplied:-

- Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
- Construction vehicle routes to and from site including any off site routes for the disposal of excavated material;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- A scheme to encourage the use of Public Transport amongst contractors; and Measures to avoid traffic congestion impacting upon the Strategic Road network;
- Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
- The control and removal of spoil and wastes;
- A scheme of measures to prevent the pollution of surface and groundwater arising from the storage of plant and materials and other construction activities; the scheme should include details of the following:-
  - Site security;
  - Fuel oil storage, bunding, delivery and use;
  - How both minor and major spillage will be dealt with;
  - Containment of silt/soil contaminated run-off;
  - Disposal of contaminated drainage, including water pumped from excavation;
  - Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contacted works must include a requirement for details of how the above will be implemented;
- The proposed hours of operation of construction activities;
- The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
- Sound attenuation measures incorporated to reduce noise at source;
- Details of measures to be taken to reduce the generation of dust; and
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice; and
- Ecological Construction Method Statement [ECMS]

The agreed Construction Environmental and Traffic Management Plan shall thereafter be implemented in full;

- (j) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with;
- (k) Applications for reserved matters approval shall include a hard and soft landscaping scheme for the phase or sub phase of the development to which it relates. The hard and soft landscaping scheme shall include for the phase or sub phase to which it relates details of the landscaping; details of the surface treatment of the open parts of the site; a programme of implementation; and a planting schedule to include numbers, density,

size, species and positions of all new trees and shrubs. The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development phase;

- (l) 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 similar size and species;
- (m) Before each phase of the development is commenced the following shall in respect of that phase be submitted to, and approved in writing by, the Local Planning Authority:-
  - A plan showing the location of and allocating a reference number to each existing tree on the part of the site within that phase which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained, the crown spread of each retained tree and which are to be removed;
  - Details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour, canopy spread and root protection area of each tree identified in the plan prepared pursuant to the above paragraph;
  - Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site; and
  - Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

The development of that phase shall thereafter be carried out in accordance with the approved scheme. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in the above paragraph;

- (k) No works (including demolition, ground works, vegetation clearance) shall be commenced on any phase of the development hereby permitted until details of a wildlife strategy (incorporating an Ecological Construction Method Statement [ECMS] and a Landscape and Ecological Management Plan [LEMP]) to protect and enhance that phase of the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall demonstrate how the long-term conservation of new and retained environmental resources, including habitats and species of biodiversity value, shall be secured and shall include arrangements for implementation responsibilities for the operation of the strategy following completion of development of each phase or sub phase of the development. It will need to meet the requirements of any Natural England European Protected Species Mitigation Licences. The strategy shall be based on the advice of all the submitted landscape and ecology reports to date including those contained within the Environmental Statement (dated February 2016) including the Ecological Report submitted by A A Environmental Ltd, Environmental Statement Addendum (dated December 2016) and the Habitat Regulations Assessment (May 2016), and any other up to date surveys and include:-

1. An Ecological Construction Method Statement (ECMS) containing details of protective measures to include method statements to avoid impacts on all wildlife especially protected species during all stages of development;
2. Details of measures to prevent pollution of all water courses on or near the site;
3. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance;
4. Arrangements to secure an Ecological Clerk of Works on site;
5. Measures for the enhancement of places of rest for protected species;
6. Details of a sensitive lighting strategy;
7. Use of protective fences, exclusion barriers and warning signs; and
8. A commitment to commence planting of replacement habitat no later than day one of each phase of the development.

The Strategy shall cover management of the whole site in perpetuity from completion of the works and once approved the works shall be implemented in accordance with the approved details and timing of the works. No part of the development on the phase concerned shall be occupied until the scheme for the maintenance and provision of the mitigation planting and maintenance of the hibernacula, bat, dormice and bird boxes and related accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained in accordance with the approved details;

- (l) No more than 12 months prior to the commencement of works on a phase of the development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to:-
  - Bats;
  - Dormice;
  - Great Crested Newts; and
  - Otters.

The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures;

- (m) A habitat enhancement area of a minimum of either i) 7.11 hectares (without the Staplegrove East application coming forward) or ii) 6.83 hectares (with Staplegrove East application being delivered) of replacement habitat will be required respectively in accordance with the agreed Habitat Regulations Assessment (May 2016). The replacement habitat shall be of accessible woodland, ponds and species rich meadow is created, which is accessible to Lesser Horseshoe Bats. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with Taunton Deane Borough Council prior to any work commencing on site (apart from any associated enabling works, earthworks and/or access). This enhancement will be planted within the first available planting season (October to March) following permission, unless otherwise agreed with the Council in writing;
- (n) A bat house for Lesser Horseshoe Bats will be constructed on the northern boundary, prior to any work commencing on site. The design and location of the bat roost shall first have been submitted to, and approved in writing by the Local Planning Authority and shall remain in place at all times thereafter;

- (o) Before any development takes place, the northern and western boundary hedgerows shall be retained in accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, giving the position, species and health of all such hedgerows and where necessary details of planting to infill existing gaps. These hedgerows shall then remain in accordance with these details and any parts of the hedgerow 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 similar size and species;
- (p) Once the first phase of development has commenced, ecological monitoring of the whole site, for a period of time to be agreed between the Local Planning Authority and the applicant, shall be undertaken;
- (q) The proposals hereby approved shall be carried out strictly in accordance with the avoidance and mitigation measures put forward as conditions in Chapter 6 Section 124 of the approved Habitats Regulations Assessment. Where further information is specified to be provided by any of these requirements, this information shall have been provided to and approved by the Local Planning Authority before the relevant part(s) of the development is/are commenced and shall include a timetable for implementation of the measures. The agreed works shall then be implemented in full strictly in accordance with the approved plans and/or documentation and remain as such at all times thereafter;
- (r) No external lighting shall be placed on site or operated in any phase of the Development until a Lighting Strategy for Biodiversity for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall incorporate the following measures:-
  - (a) Identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications showing Lux levels down to an appropriate level) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
  - (c) Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats and other species. The applicant will demonstrate that all bat corridors and feeding habitat will not exceed agreed appropriate level of illumination, in accordance with the recommended light level for Horseshoe Bats in corridors through development (Natural England, 2010). Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels;
  - (d) Lighting will be of the soft white LED type with optics that are highly directional;
  - (e) Paths within the enhanced habitat areas will not be lit as these are primarily designed to replace the value of the habitat lost that would otherwise constitute a potential significant effect on the Hestercombe House SAC.
  - (f) Properties with gardens adjacent to habitat used by Lesser Horseshoe Bats shall have their boundaries fixed with a 1.8 m high closed boarded

fence to minimise incidental light spill from uncontrolled lighting and to prevent removal of habitat to extend gardens.

- (g) There will be no routine night-time working during the construction stage of the development.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy at all times thereafter;

- (s) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, 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 before the commencement of each phase (or sub-phase) of the development;
- (t) The proposed roads, including footpaths and where applicable turning spaces and cycle way connections, 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;
- (u) Construction of the internal Spine Road is to be completed in full within five years of the first occupation or a maximum of 200 of the residential units hereby approved being occupied, whichever is achieved first. No individual phase of the development shall be occupied or brought into use until the part of the Spine Road that provides access to that phase has been constructed in accordance with plans that shall previously have been submitted to, and approved by, the Local Planning Authority;
- (v) To enable the spine road to be constructed, a first phase of development is to be located to the north of Corkscrew Lane with a temporary access to be taken from Corkscrew Lane. The access road is temporary and will close to vehicles upon completion of the spine road or within five years of first occupation, whichever is achieved first;
- (w) In the interests of sustainable development none of the dwellings in the first phase (as will be agreed by condition (c) of this permission) shall be used or occupied until a network of cycleway and footpath connections has been constructed within the development site as a whole in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (x) In relation to the spine road, any access shall ensure that there shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before any junction(s) with the spine road is/(are) brought into use and shall thereafter be maintained at all times;
- (y) No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein;

- (z) Before the completion of the proposed spine road, traffic calming measures for Manor Road and Corkscrew Lane shall have been submitted to, and approved by, the Local Planning Authority. The measures shall then be implemented in full, in accordance with the approved scheme(s) and remain in place in full working order as approved at all times thereafter;
- (aa) No dwelling in any phase or sub-phase hereby permitted, shall be occupied until footpath connections have been constructed within the phase or sub phase in accordance with a scheme that shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (bb) No development shall commence on any phase until a proposed layout scheme to include the provision of access to other parts of the Staplegrove site as identified in Policy TAU2 of the adopted Site Allocation and Development Management Plan, has been submitted for approval in writing to the Local Planning Authority. The layout scheme will be in a form that is adequate to accommodate public transport, vehicles, cycleways and footpath linkages for the future development of the Staplegrove site. The development shall be carried out strictly in accordance with the approved details;
- (cc) The applicant shall ensure that all construction 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 commencement of development and thereafter maintained until the site has been fully completed;

(Notes to applicant:- (1) 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 entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that 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; (3) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement for each phase of the development clearly stating how wildlife and their habitats will be protected through the development process and to be provided with a

migration proposal that will maintain favourable status for these species that are affected by this development proposal; (4) Applicant was advised that Dormice, bats and possibly Great Crested Newts are known to use the site as identified in submitted ecological surveys. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are 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 approval of this outline application, does not mean that Natural England has reached any views as to whether a licence may be granted; (5) Applicant was advised that 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; (6) Applicant was advised that nesting birds are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed; (7) Applicant was advised to note that the Crime Prevention Design Advisor at Avon and Somerset Police would be pleased to work with them at the detailed design stage in order to 'design out' crime and disorder in this major mixed use redevelopment; (8) Applicant was advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc. in accordance with the Police approved 'Secured by Design' award scheme, full details of which are available on the SBD website; (9) Applicant was advised that development, insofar as it affects Public Rights of Way (PROW), should not be started (and the rights of way kept open for public use) until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with; (10) Applicant was advised that the health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so; (11) Applicant was advised that if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC's Rights of Way Group:-

- A PROW being made less convenient for continued public use;
- New furniture being needed along a PROW;
- Changes to the surface of a PROW being needed; and
- Changes to the existing drainage arrangements associated with the PROW .

If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.)

(The meeting ended at 10.24 pm.)

