

Planning Committee – 5 December 2018

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

Officers: - Tim Burton (Assistant Director – Planning & Environment)
Bryn Kitching (Planning Manager), Gareth Clifford (Planning Officer),
Martin Evans (Solicitor, Shape Partnership Services) and Tracey
Meadows (Democracy and Governance Case Manager)

Also present: Councillors Habgood, Cavill and Mrs A Elder, Chairman of the
Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

83. Apologies/substitutions

Apologies: Councillors Nicholls, Wedderkopp

Substitutions: Councillor Horsley for Councillor Nicholls

84. Minutes

The minutes of the meeting of the Planning Committee held on 12 September,
10 October and 7 November 2018 were taken as read and were signed.

85. Public Question Time

Question received from Mr James Cashmore.

Planning Application No: 20/17/0017, for which a decision was made in late
Oct/early Nov 2017. "Please could officers provide an update on the
revocation of the Certificate of Lawfulness at Cattlewash, Fitzroy, which
officers accept was granted following false statements being made in the
application?"

The response from Martin Evans, Solicitor, Shape Partnership. The Local
Planning Authority had discretionary powers which enables it to revoke
Certificates of Lawfulness. The allegation was that the Certificate of
Lawfulness at this particular property was granted on the basis that there
were false or misleading evidence that was provided that were material to that
decision. The Council in deciding whether to use its discretionary powers to
revoke the Certificate had to consider only the evidence that was submitted at
the time rather than the planning merits of what's being granted. The authority
must also consider whether the information that was given would have
effected its decision to grant the Certificate. The information related to the size

of the application site that was applied for and the red line that was put around the application site. Officers were looking into whether the extent of the land that was applied for in this Certificate was greater than it should have been granted and whether the information given in the application, which was not the current owner of the site, whether that was false and whether that was misleading to the Council when it granted the Certificate. If the Council came to the view that it was false and it did effect the decision to grant the Certificate, the Council before it went down the route of revoking the Certificate, would consult the current owner and would have representations. At this point I can confirm that Officers were currently considering that issue and would be making a decision upon it. It would also be considered whether it came to this committee or whether it was a matter for delegated authority. Stated that a response would be given to Mr Cashmore in writing in due course.

Question from Councillor Morrell

A week ago I received a copy of a letter that was sent to a member of the public who had sought pre-application advice. Unfortunately the letter states and I quote "we are currently without a Conservation Officer to advise on your enquiry, we are currently looking to for a replacement Conservation Officer, if you and your client are happy to wait for a time until we can find a replacement we will be in contact with you regarding your inquiry". The query clearly states that we have a lack of resource in the Planning Department at the moment. If you are a member of the public seeking/paying for advice and there is no conservation officer to provide that advice that seems to rather a poor show and causing a resource deficit in this authority. The question I therefore have is what impact and what inconvenience is this causing potential applicants who wish to make applications within this borough. Following on from that particular point what is the potential ramifications to this authority by not having a Conservation Officer. At this point Councillor Morrell was asked to put his question to Officers for a response.

86. Declarations of Interest

Councillor Watson declared an interest on application 06/17/0033 as Ward Member and Parish Councillor for Bishops Lydeard. He declared that he had received correspondences but had not 'fettered his discretion' All Councillors declared that they had received correspondence from Origin 3.

87. Applications for Planning Permission

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **the detailed plans be approved** for the under-mentioned development:-

88. 06/17/0033

Erection of 173 No. dwellings (to include 25% affordable dwellings) with associated car parking, access, public open space, landscaping, drainage and infrastructure and outline consent for the provision of a care home (Class C2) on land at Taunton Road, Bishops Lydeard

Reported this application

Resolved that subject to a S106 agreement to secure affordable housing, travel plan, off-site highway works and maintenance of the public open space. The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 0640-940(a3) DrNo 0640-909A Plans & Elevations Plans & Elevations Plot 111;
 - (A3) DrNo 0640-939 Plans & Elevations Plots 6-11, 34-37, 98 & 99;
 - (A3) DrNo 0640-938 Plans & Elevations Plots 4, 5, 12, 13, 44, 93-97, 100-104, 110, 112 & 113;
 - (A3) DrNo 0640-937 Plans & Elevations Plots 160 & 163;
 - (A3) DrNo 0640-936 Plans & Elevations Plots 161-162;
 - (A3) DrNo 0640-935 Plans Plots 40-43;
 - (A3) DrNo 0640-934 Elevations Plots 40-43;
 - (A3) DrNo 0640-933 Plans & Elevations Plots 38, 39, 114 & 115;
 - (A3) DrNo 0640-932 Plans Plots 22, 23, 45, 46, 50, 58, 66, 74, 76, 132 & 144;
 - (A3) DrNo 0640-931 Elevations 132 & 144;
 - (A3) DrNo 0640-930 Elevations 50, 58 & 74;
 - (A3) DrNo 0640-929 Elevations Plots 22, 23, 45, 46, 66 & 76;
 - (A3) DrNo 0640-928 Plans Plots 120, 135 & 153;
 - (A3) DrNo 0640-927A Elevations Plot 153;
 - (A3) DrNo 0640-926A Elevations Plot 135;
 - (A3) DrNo 0640-925A Elevations Plot 120;
 - (A3) DrNo 0640-924 Plans Plots 73, 121 & 141;
 - (A3) DrNo 0640-923A Elevations Plots 73, 121 & 141;
 - (A3) DrNo 0640-922 Plans & Elevations Plots 47, 60, 69, 72 & 125;
 - (A3) DrNo 0640-921 Plans & Elevations Plots 52 & 89;
 - (A3) DrNo 0640-920 Plans & Elevations 56, 57, 67, 123, 138, 142 & 143;

- (A3) DrNo 0640-919 Plans & Elevations 14, 15, 24, 25, 55, 59, 84, 122, 136, 146 & 150;
- (A3) DrNo 0640-918 Plans & Elevations 1 & 78;
- (A3) DrNo 0640-917 Plans & Elevations 90, 145 & 147;
- (A3) DrNo 0640-916 Plans & Elevations Plots 75, 159 & 172;
- (A3) DrNo 0640-915 Plans & Elevations Plots 27 & 65;
- (A3) DrNo 0640-914A Plans & Elevations Plot 88;
- (A3) DrNo 0640-913A Plans & Elevations 109, 124 & 151;
- (A3) DrNo 0640-912A Plans & Elevations Plots 28, 51, 63, 64 & 68;
- (A3) DrNo 0640-911A Plans & Elevations 19, 26,70, 71, 77, 137 & 152;
- (A3) DrNo 0640-910 Plans & Elevations 29, 154, 157 & 158;
- (A3) DrNo 0640-909A Plans & Elevations 168-171;
- (A3) DrNo 0640-908 Plans & Elevations Plots 2,3,17,18,20,21,61,62,91,92,107, 108 118,119, 139,140, 148 & 149;
- (A3) DrNo 0640-907 Plans & Elevations Plots 53, 54, 86 & 87;
- (A3) DrNo 0640-906 Plans & Elevations Plots 32, 33, 79, 80,105, 106, 126,127, 133,134, 155,156, 166 & 167;
- (A3) DrNo 0640-905 Plans & Elevations Plots 83;
- (A3) DrNo 0640-904 Plans & Elevations Plot 16 & 85;
- (A3) DrNo 0640-903 Plans & Elevations 165 & 173;
- (A3) DrNo 0640-902 Plans & Elevations 164;
- (A3) DrNo 0640-901 Plans & Elevations plots 48 & 49;
- (A3) DrNo 0640-900 Plans & Elevations plots 30,31, 81,82, 116,117 & 128-131;
- (A3) DrNo 0640-HTB-Issue 6 House type Booklet;
- (A0)DrNo 0640-104-1E External Works Layout;
- (A0)DrNo 0640-104-2F External Works Layout;
- (A0)DrNo 0640-104-3E External Works Layout;
- (A0)DrNo 0640-104-4E External Works Layout;
- (A0)DrNo 0640-104-5E External Works Layout;
- (A0)DrNo 0640-104-6F External Works Layout;
- (A0)DrNo 0640-104-7E External Works Layout;
- (A1) ES017-ES-00 XX GA C 0531 Rev P6 Drainage Layout for Planning Sheet 2 of 2;
- (A1) ES017-ES-00 XX GA C 0530 Rev P4 Drainage Layout for Planning Sheet 1 of 2;
- ES017-ES-00-XX-GA-C-0601REV P3 Finished Floor Levels;
- ES017-ES-00-XX-GA-C-0600REV P2 Finished Floor Levels;
- (A3)0750-016 RevH Site Access Layouts;
- (A3)0750-017 RevH Site Access Layouts;
- (A3)0750-018 RevH Site Access Layouts;
- (A0) DrNo 0640-111 RevE Refuse Strategy Layout;
- (A0) DrNo 0640-110 RevE Building Heights Layout;
- (A1) DrNo 0640-109 RevB Garages;
- (A1) DrNo 0640-108 RevF Materials Layout;
- (A0) DrNo 0640-107 RevE Adoption Plan;

- (A3) DrNo 0640-106 RevB External Detailing;
- (A1) DrNo 0640-103 RevD Street Scenes;
- (A0) DrNo 0640-102 RevF Planning Layout;
- (A1) DrNo 0640-101 Location Plan;

- (c) Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the care home site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development of the care home site is commenced; Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (d) No development shall be commenced until 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 runoff post development is attenuated on site and discharged at a rate and volume no greater than Greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details to be submitted to and approved in writing by the Local Planning Authority ;
- (e) Prior to the construction of the dwellings above dpc samples of the materials to be used in the construction of the external surfaces of the development (including dormers) shall be submitted to, and approved in writing by, the Local Planning Authority. A sample panel of any brick or stone walling shall be constructed on site and agreed in writing by the LPA. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ecology solution ltd.'s submitted report, dated September 2107 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
 4. A LEMP

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, and bird boxes and related accesses have been fully implemented;

- (g) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme;
- (h) Construction work on any dwelling above DPC shall not commence until the improvement to the Taunton Road/A358 junction and the highway re-alignment works to the Taunton Road shall be carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and be fully implemented in accordance with the approved detail;
- (i) No dwelling to the south of Taunton Road shall be occupied until a pedestrian crossing of the road has been fully installed;
- (j) There shall be no occupation of the dwellings until the traffic calming, new footway provision and new accesses on Taunton Road in relation to the relevant phase are completed in accordance with the approved details;
- (k) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority in conjunction with the approved phasing plan. Such provision shall be installed before first occupation and thereafter maintained at all times;
- (l) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath to at least base course level between the dwelling and highway;
- (m) Details of the cycleway and footpath connections for each phase of development shall be submitted to, and approved in writing by, the Local Planning Authority prior to occupation of the phase concerned and thereafter so provided;

- (n) Details of the street lighting to the relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority and installed prior to occupation of housing in that phase;
- (o) No dwelling shall be occupied until a scheme that secures the provision of suitable electric vehicle charging points has been submitted to, and approved in writing by, the Local Planning Authority;
- (p) Secure cycle storage facilities of one space per bedroom shall be fully provided prior to the occupation of each dwelling, and shall thereafter be retained for those purposes;
- (q) Detail of the public art element to be designed into the public realm of the site shall be submitted to, and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of the 90th dwelling;
- (r) Details of the design and finishes to the new electricity sub-station shall be submitted to, and approved in writing by the Local Planning Authority prior to its construction;
- (s) Notwithstanding the detail shown on submitted drawings, the surface treatment to the traffic calming features along Taunton Road shall be submitted to and approved in writing by the Local Planning Authority prior to them being installed and thereafter carried out as agreed;
- (t) i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development subject to any approved phasing plan; (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;
- (u) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA): Report No. 70024551-FRA-P2-001. No residential development should be undertaken within Flood Zones 2 and 3, and there should be no change of ground levels within Flood Zone 3. This should include no surface water attenuation facilities within Flood Zones 3; The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA;

Notes to Applicant:- (1) Applicant was advised that In accordance with paragraph 38 of the National Planning Policy Framework the Council has

worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that they will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting; (3) 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 bats, reptiles, dormice, badgers and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development; 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; (4) Applicant was advised that Part of the above proposal falls within Flood Zones 2 and 3, which are areas with a medium and high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources for Flood Zone 3 (i.e. it has a 1% or greater chance of flooding in any given year). For Flood Zone 2 the probability is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year).

**89. 38/18/0162
Residential development of 176 no. dwellings on land to the North of
Tangier and Castle Street, Taunton**

Conditions

(a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A0) DrNo 877-01F Landscape Proposals;
- (A4) DrNo 877-02 Landscape Context;
- (A3) DrNo 877-03 Landscape Assessment Plan;
- (A3) DrNo 1000-P01 Site Location Plan;
- (A1) DrNo 1001-P01 Existing Site Plan;
- (A1) DrNo 1002-P01 Existing Site Section;
- (A1) DrNo 1003-P07 Proposed Site Plan;.
- (A1) DrNo 1004-P03 Proposed Site Section;
- (A1) DrNo 1005-P10 Street Elevations;
- (A1) DrNo 1006-P07 Ground Floor - Parking, Bikes and Bins;
- (A1) DrNo 1007-P06 Castle Street Visual;
- (A1) DrNo 1008-P06 Riverside Visual;

- (A1) DrNo 1009-P06 Tangier Way Visual;
- (A1) DrNo 1010-P02 Block A - House Types;
- (A1) DrNo 1011-P02 Block A Corner - House Type;
- (A1) DrNo 1012-P02 Block B - House Types;
- (A1) DrNo 1013-P04 Block C1 – Floorplans;
- (A1) DrNo 1014-P03 Block C1 – Elevations;
- (A1) DrNo 1015-P06 Block C1 – Elevations;
- (A1) DrNo 1016-P08 Block C2 Floorplans;
- (A1) DrNo 1017-P08 Block C2 Elevation;
- (A1) DrNo 1018-P10 Block C2 Elevation;
- (A1) DrNo 1019-P04 Block D – Floorplan;
- (A1) DrNo 1020-P03 Block D – Floorplan;
- (A1) DrNo 1021-P03 Block D – Floorplan;
- (A1) DrNo 1022-P04 Block D – Elevations;
- (A1) DrNo 1023-P06 Block D – Elevations;
- (A1) DrNo 1024-P03 Block D – Elevations;
- (A1) DrNo 1025-P07 Block E – Floorplan;
- (A1) DrNo 1026-P06 Block F – Floorplan;
- (A1) DrNo 1027-P05 Block F - Floor Plan;
- (A1) DrNo 1028-P07 Block E-F - Elevation;
- (A1) DrNo 1029-P07 Block E-F – Elevation;
- (A3) DrNo A1030-P01 Materials Sample Board;;
- (A0) DrNo C06718/C/002 Rev C Levels Strategy
- (A0) DrNo C06718/C/001 Rev E Drainage Strategy & Exceedance Routes;

- (c) Prior to the wall construction of the buildings samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) No works, other than site clearance and preparation works, shall be undertaken on site until a phasing programme for the provision of (a) the amenity/play areas, (b) associated roads, (c) footpaths, (d) open spaces, (e) boundary treatments including screen walls and fences, (f) parking spaces, (g) garages, (h) drainage, (i) street lighting, (j) bin storage, (k) cycle storage, (l) access's indicated on the approved plans has been first submitted to, and approved in writing by, the Local Planning Authority and the development shall not be carried out other than in accordance with this programme and agreed timings of works;
- (e) There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of all accesses and extending to points on the nearside carriageway edge either side of the accesses for a distance of 33 metres. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times;

(f) 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 the scheme outlined in a) below has 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 (b) has been complied with in relation to that contamination;

i) Implementation of Approved Remediation Scheme

The approved remediation scheme outlined in the document “Former Tangier Gas Works, Taunton. Updated Geo-Environmental Desk Study and Remediation Strategy Report. (Ref RP6764) Red Rock Geoscience Ltd. April 2018” must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out additional investigations or 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; ii) Reporting of Unexpected Contamination. In 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; iii) 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 someone 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; iv) 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;

- (g) (i) Prior to the wall construction of any buildings on the site, a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted and a phasing programme for implementation; (ii) Each phase of the landscaping scheme shall be completed in accordance with the timetable set out in the approved phasing programme 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;
- (h) 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 EDP's submitted report, dated April 2018 and "It does lighting's" Planning application lighting assessment for Tangier dated April 2018 and an up to date otter and badger survey 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 nesting birds;
 4. A CEMP and LEMP;
 5. Full Details of lighting;

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

- (i) Prior to the commencement of development, an invasive non-native species protocol shall be submitted to, and approved by, the local planning authority, detailing the containment, control and removal of Himalayan balsam, Japanese knotweed, and giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme;
- (j) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated April 2018 and the Technical addendum dated 30 July 18 ref: 5005-UA006933-02, and the mitigation measures which provides betterment

compared to the extant permission. Specifically, ground floor levels raised to 16.86mAOD, and finished floor levels no lower than 17.13mAOD.

The mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme;

- (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule (2) Part (1) Class (A, B, C & E) and Schedule (2) Part (2) Class (A) of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (l) The parking space/s in the garage(s) hereby approved shall at all times be kept available for the parking of vehicles and shall be kept free of obstruction for such use;
- (m) Detail of the public art element to be designed into the public realm of the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of the 90th dwelling;
- (n) The garage and parking spaces hereby approved shall be retained as such and not used for any other purpose other than parking of vehicles;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 38 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; (2) Applicant was advised that the developer must agree a point of connection to the foul sewerage network with Wessex Water; (3) Applicant was advised that attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Somerset West Police District, Police Station; (4) applicant was advised that **WILDLIFE AND THE LAW**. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; **BREEDING BIRDS**. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; **BATS**. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats.

Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained (5) 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 be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development. 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 appropriate wildlife legislation. Otters are known to use the river adjacent to the site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2017. 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.)

48/18/0035

Variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardys Road, Monkton Heathfield

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 17-16.01B Location and Block Plan;
 - (A1) DrNo 17-16.03.J Proposed Site Layout Plan;
 - (A1) DrNo 17-16.04.D Proposed Site Sections;
 - (A2) DrNo 17-16.08.H Block D, Proposed Plans, Elevations and Section;
 - (A1) DrNo 120904-C.01 Rev D Drainage Layout;
- (b) Prior to the construction of the buildings samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (c) (i) A landscaping scheme that includes the planting of native extra heavy standard trees along the northern side of the access road shall be submitted to, and approved in writing by, the Local Planning Authority prior to the use of the building commencing. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (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;

- (d) Prior to use of the building commencing works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with the approved details. The works shall be retained in that form;
- (e) No deliveries or vehicle movements, other than staff arriving and leaving, to and from the premises, shall take place within the site outside the hours of 7.30hrs – 19.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays;
- (f) No business operations, other than within the building, including staff arriving and leaving the premises, shall take place within the site outside the hours of 6.00hrs – 22.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays;
- (g) The use of the building shall not be commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan for the parking, turning, loading and unloading of vehicles, and such areas shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development;
- (h) Prior to the use commencing the cycle parking shall be provided on site in accordance with the approved details and shall be maintained thereafter in connection with the use hereby granted;
- (i) The waste storage facilities shown on the approved plan shall be constructed and fully provided prior to the use of the building commencing, and shall thereafter be retained for those purposes;
- (j) There shall be no storage of materials and waste other than in the designated areas shown on the approved plan;
- (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no fences or means of enclosure shall be erected on the site, other than that expressly authorised by this permission, without the further grant of planning permission;
- (l) The Travel Plan approved for this development shall be implemented within two months of the development being first used or occupied. A transport mode and travel pattern survey shall thereafter be conducted not less than every 12 months for a minimum period of five years from the first use or occupation of the development and shall examine the contribution that can be made by cycling, public transport, car sharing, the provision

and control of car parking, teleworking, and emergency taxi cover. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved. The Local Planning Authority shall be notified of the results of the survey not later than the end of each calendar year;

- (m) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the windows to be installed in the north elevation of the all blocks shall be constructed with tinted glass. The details of the tinted glass shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (n) Prior to the use of the building commencing, the details of external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. The external lighting shall be carried out in accordance with the approved details and thereafter maintained as such;
- (o) The ecology details approved on the 23rd August 2018 shall be fully implemented in accordance with the approved details and timing of the works; The development shall not be occupied until the scheme for the maintenance and provision of the new reptile hibernacula, bat and bird boxes and related accesses have been fully implemented; Thereafter the resting places and agreed accesses shall be permanently maintained;
- (p) Development shall be constructed in accordance with the levels shown on the approved plans;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 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.)

90. Appeals

Reported that one appeal decision had been received details of which were submitted.

(The meeting ended at 21:24 pm)