

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 8 October 2014**.

(9.00 am - 4.40 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Lewis	Henry Hobhouse
John Calvert	Tim Inglefield
Tony Capozzoli	William Wallace
Nick Colbert	Colin Winder
Anna Groskop	

Officers:

Anne Herridge	Democratic Services Officer
Adrian Noon	Area Lead (North/East)
Helen Rutter	Area Development Manager (East) / Assistant Director (Communities)
Paula Goddard	Senior Legal Executive
Dominic Heath-Coleman	Planning Officer
Colin McDonald	Corporate Strategic Housing Manager
Neil Waddleton	Section 106 Monitoring Officer
Lee Walton	Planning Officer
Lisa Davis	Community Office Support Manager

NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

78. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the AEC meeting held on 10th September 2014, copies of which had been circulated were agreed and signed by the chairman after an amendment to the wording in Agenda Item 20 to read:

'Ward Member Cllr John Calvert informed the committee that since the agenda report had been produced, the Inspector had dismissed the appeal as the S106 obligation had not been completed to his satisfaction. Keinton Mandeville PC, whilst not in favour of the application was now willing to accept the officer's recommendation. In light of this information AEC members were content to approve the application as per the officer's recommendation and voted unanimously in favour.

79. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Cllrs Mike Beech and Lucy Wallace.

80. Declarations of Interest (Agenda Item 3)

There were no declarations of interest pertinent to this agenda.

81. Public Participation at Committees (Agenda Item 4)

4a) Mrs Aspey addressed members in relation to a particular planning application next to her property in Charlton Musgrove. She expressed her despair and concern regarding traffic movements in and out of the site at all hours of the day and night. She had made several complaints to SSDC officers with no satisfactory response; the issue was now making her ill.

After discussion, the Chairman suggested that on Mrs Aspey's behalf, the matter should be referred to SSDC Legal Services to resolve, with involvement from Ward Member Cllr Mike Beech, the SSDC Enforcement Officer and the Chair of AEC.

The S106 Monitoring officer in attendance at the AEC meeting took details of the issue.

Mrs Elson of Holton Heritage Trust spoke about her concern due to the use of herbicides by the Streetscene Service to suppress weeds in her village, and the delay in clearing the residue of a tin of paint that had been thrown in to a hedge. She was also concerned that posters/signs had been placed on a rare species of tree and other places in the village.

In response, it was suggested that Mrs Elson should make the Streetscene Service aware of any problems, or request her Ward Member to take the issue up. It was the responsibility of the Parish Council to stipulate if they wanted the weeds sprayed or not.

In conclusion, the Chairman said that people who put up signs advertising an event should be responsible for removing them after the event.

4b).Cllr Tony Capozzoli brought members attention to a nasty, possible deadly spider that had been found in Ilchester.

82. Reports from Members Representing the District Council on Outside Organisations (Agenda Item 5)

Cllr Colin Winder had attended a meeting with engineers regarding the 'Wincanton Hub' and work should soon go ahead.

83. Feedback on Reports referred to the Regulation Committee (Agenda Item 6)

There had been no recent meetings of the Regulation Committee.

84. Date of Next Meeting (Agenda Item 7)

Members noted that the next scheduled meeting of the committee would be at the Council Offices, Churchfield, Wincanton on Wednesday 12th November 2014 at 9.00 am.

85. Chairman Announcements (Agenda Item 8)

The Chairman reminded members:

- That the Area East Annual Parish Meeting would be held on 27th January 2015.
- That the Councillors Xmas dinner at Northover Manor will take place on 10th December.
- That members take time to read the Planning Inspectors report about the appeal in Galhampton as detailed under the Items for Information. He was concerned about the Planning Inspectors apparent lack of consistency between planning appeals.

The ADM suggested that concerns should be raised at the Area Chairs meeting next week.

The Chairman wished to convey the best wishes of AEC members to SSDC Engineer, Roger Meecham who retires in November. It was agreed that a card would be sent to thank him for his service to SSDC.

86. Affordable Housing Development Programme (Agenda Item 9)

The Corporate Strategic Housing Manager provided the committee with an update and power point presentation showing completed housing; data and construction. He explained that the relevant information pertaining to Area East was detailed in full in the agenda report; but also mentioned that a more comprehensive report covering the programme across the district had been presented to the District Executive in September 2014.

In response to questions from Members, the Corporate Strategic Housing Manager confirmed that:

- Although a Parish Plan could articulate a desire for more local affordable housing, evidence of a need would still be required to justify a site obtaining planning permission;
- Affordable rent is set at 80% of the prevailing market rate for a private rented property of a similar size and quality;
- It was difficult to say how much it cost to build an average affordable home. It depended on a lot of factors, mostly peculiar to the site, for example rural exception sites were more costly as new infrastructure would be required; over the past seven years the District Council had captured around £53m in funding from the Homes and Communities Agency, but there is still a need for more;
- There would be higher costs associated with building bungalows both because of the additional footprint and the roof/brick ratio;
- Evidence would have to be gathered regarding a local need for bungalows before any permission be granted, although it was appreciated that by having

bungalows available, larger accommodation could possibly be freed up for families;

- Whereas the question of viability on a site led by a private developer hinges on sufficient reasonable profit being made on the site, Housing Associations tend to 'break even' rather than aim to make a surplus from any given site. They try to keep 'on-costs' down in order to keep rents to acceptable levels;
- S106 obligations govern the allocation of local lettings in rural exception sites, targeted on the parish first but they may be offered to those in housing need from adjacent parishes if necessary to find a qualifying tenant. Other lettings are not governed by S106 obligations and may be offered for rent to people living further afield in priority need on the housing register. The recent consultation on the proposed new Housing Strategy Implementation Plan contains proposals for a more local approach for these other vacancies and several members of the Area East Committee had participated in the recent Portfolio Holder's discussion group held to consider the consultation draft. He expected that a proposal would emerge from this consultation and come forward for consideration by the District Executive soon;
- Other potential sites in Area East had not been specifically listed in the report as he tried to keep to those with the certainty of funding or planning permission being in place.

At the conclusion of the debate the Chairman thanked the Corporate Strategic Housing Manager for providing a comprehensive report.

RESOLVED: That AE Committee noted the outturn position of the Affordable Housing Development Programme for 2013/14.

87. Section 106 Obligations (Agenda Item 10)

The Section 106 Monitoring Officer reminded Members that the Section 106 agreements provided control to development and the monies levied on the developer were used to deliver additional infrastructure and mitigate the impact of the development. Since his last report to the Committee, S106 processes and working practices had been audited and had received substantial assurances of the processes tested.

In response to questions from Members, the Section 106 Monitoring Officer confirmed that

- The next report presented to AEC members would include a statement of accounts for Parish and Town Councils in order for them to be better informed about the specific money available in that parish;
- The basic formula for calculating S106 monies was nationally agreed and could not be easily changed locally.
- He understood the frustrations due to the delay in some developers completing obligations;

- There was a fine balancing act regarding the agreeing of trigger points for obligations. Developers would suggest they require the development to become populated to be able to generate the additional monies to pay the obligations, whereas the Council would prefer monies at an earlier stage so that facilities particularly on-site could be provided.

Cllr William Wallace in his role as Somerset County Councillor confirmed that the highway works at Templecombe, that had been outstanding for some time, were now in the final stages of design.

The ADM confirmed that she is investigating the issue of the open space at Deanesly Way, Wincanton which was near to an overgrown culvert and may present a risk to children.

At the conclusion of the debate, the chairman thanked the Section 106 Monitoring Officer for the improved and informed report.

RESOLVED: That Members noted and commented on the report and verbal update and endorsed the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations.

88. Community Offices Update (Agenda Item 11)

The Community Office Support Manager presented the report as detailed in the agenda. Since the last report, there had been a decrease in visitors to all community offices mainly due to increased use of services via the web site. There had still been a steady flow of visitors to the Wincanton offices.

In response to a query the Community Office Support Manager informed members that when the SSDC front office was closed, the police enquiry office was open (as it was now open for longer hours) visitors were able to access SSDC services using the public phone on the front desk and also the public computer.

RESOLVED: That the contents of this report be noted by Area East Committee

89. Area East Committee Forward Plan (Agenda Item 12)

The ADM informed members that she was unsure if the update report on the latest news of Superfast Broadband would be available for the AEC meeting November, however there should be report presented to District Executive in November 2014.

Several AEC members felt that they should have the chance to discuss the information not just District Executive members as they were concerned that a lot of the rural areas could lose out on the Superfast Broadband service.

90. Items for information (Agenda Item 13)

NOTED

91. Schedule of Planning Applications to be Determined by Committee (Agenda Item 14)

NOTED

92. Update report on Land at Dancing Lane, Wincanton (Ref 14/01704/OUT) (Agenda Item 15)

The Planning Officer presented the application as detailed in the agenda report. He advised that since the report had been written two more letters of objection had been received: one re-iterating previous comments and the other advising their disillusionment with the planning process and that all positive points raised should be considered at this stage rather than at reserved matters stage.

The officer advised that on page 63 of the report reference was made that due to the nature of the site *'it would not be easily farmed'* but the words should be replaced by: *'land is constrained and not part of the wider farm'*.

With the aid of a power point presentation various photos of the site were shown that included the Grade 2 listed and associated buildings; access details; current road layout and the vicinity of the 'no build zone'.

The officer confirmed that as none of the technical consultees had raised concerns and a S106 obligation had been agreed, his recommendation was not to defend the appeal against non-determination.

In response to a query the Area Lead East confirmed that it had to be assumed that the cumulative impact of both this site and the site at Verrington Hospital had been considered, as the same Highway Officer had viewed both sites.

Mr R D'Arcy, Mrs S Brennan, Mrs S Macey, Dr S Tindall and Mr R Pratt all spoke in objection to the recommendation. and made the following comments, some of which included:

- Good grade of agriculture land should not be used for development;
- Concerned about the lack of school places;
- Concerned about pedestrian safety;
- Evidence was available about flooding in the area;
- Felt that local people had had the chance to help in the process of the Local Plan and one person (the Planning Inspector) could change all of that and make the consultations pointless;
- SSDC now have a 5 year land supply;
- The site would not be sustainable;
- There was no housing shortage in Wincanton;

- The Health Centre was already overstretched;
- The 'no build zone' had not as yet been agreed;
- The riparian owner of the land where the culvert was situated would have to give permission for works to take place and that may not be forthcoming;
- Verrington Lodge, grade 2 listed, would be visible in winter;
- Suggested that 2 properties and a street light be removed from the plan;
- The Verrington Hospital application had been considered to be unsustainable, this site would be no different.

Mr T Adams the beneficial owner of the site spoke in support of the recommendation and gave a background history of the site. Ward members had been kept informed throughout the process and amendments had been made along the way, this application was smaller than previous ones.

Ward Member Cllr Colin Winder wished to ensure that the Planning Inspector was aware that this application was for up to 35 dwelling only. He disputed the Travel and Transport Statement, the bus timetable was inappropriate, residents of the site would need cars, therefore the site was unsustainable. If SSDC were to defend the appeal, outside consultants should be used.

The Area Lead East and Planning Officer explained that the amended indicative plan showed the provision of up to 25 dwellings, the appeal had been made in relation to the original scheme of up to 35 houses, however the applicant had agreed that if the appeal was not defended 25 dwellings would be provided but the Planning Inspector could agree to up to 35 as originally requested, but no more.

The Area Lead East explained that SSDC was not unwilling to defend the appeal but it would be difficult to defend when statutory consultees had given advice to the contrary. Local concerns were indicative but clear evidence of those concerns would be required.

Ward Member Cllr Nick Colbert expressed his disappointment that there were no members of Wincanton Town Council in attendance at the meeting as they were all opposed to the recommendation. Cllr Colbert felt the site was in the wrong location, too far from local services to make it sustainable and the site would be visible from all aspects. He was also concerned about the lack of a pavement to King Arthurs School making it dangerous for pupils. He considered that there was other, more suitable land in Wincanton.

During discussion, varying views were expressed some of which included the following:

- Disappointed that the applicant had not given enough time for the additional information to be obtained;
- Objectors needed to make their representations in writing to the Inspector;
- Members should agree with the Planning Officers recommendation;

- There was a danger that more dwellings would be approved should the Inspector make the decision;
- The development would have a huge impact on the nearby Listed Building;
- Although good legal advice had been given, the strong local opinion must be taken into consideration and a balance would be required to support the electorate;
- The development would affect health provision;
- Suggested that an external consultant be employed to defend the appeal.

A proposal was made not to defend the appeal as per the officers recommendation but was not seconded.

The Area Lead East and Planning Officer, in response to queries, explained that clear defensible reasons would be required in order to defend the objections to the proposal, and an outside consultant who would be prepared to take on the case. Those officers who had given positive statutory advice would not be involved in the defence of an appeal.

During a short discussion members felt that reasons similar to those used to defend the Verrington Hospital appeal should be used, and to ensure that all reasons were realistic in order to avoid being awarded costs against those reasons not considered appropriate at appeal.

A proposal was made and seconded that an external consultant should be employed to defend the following objections to the proposal:

- The proposal is for up to 35 dwellings on a site that is not within reasonable walking distance remote of primary schools, employment opportunities and the services and facilities available in the town centre. Given the distances, topography and nature of the route and the lack of regular bus services future residents would have no realistic alternative to the private motor car to access services and facilities necessary for daily life.

The submitted travel plan does not satisfactorily demonstrate that the future residents would have any option but to rely on the private motor car for virtually all their daily needs. Such lack of choice of transport modes constitutes unsustainable development contrary to the presumption in favour of sustainable development running through the NPPF which is not outweighed by any reasonable benefit arising from the development.

- It has not been demonstrated that the loss of best and most versatile agricultural land (grades 1 & 3a) has been justified in this instance where there is other lower grade land available.
- Dancing Lane by reason of its width, lack of pavements and use by the school is incapable of safely accommodating the additional traffic generated by this development without detriment to pedestrian safety.

- It has not been demonstrated that the proposal to develop up to 35 houses on this site could be satisfactorily achieved whilst maintaining the setting of the grade 2 listed Verrington Lodge.

On being put to the vote, the motion was carried by 6 votes in favour and 3 against.

RESOLVED: That external consultants should be employed to defend the following objections to proposal ref 14/01704/OUT:

- The proposal is for up to 35 dwellings on a site that is not within reasonable walking distance remote of primary schools, employment opportunities and the services and facilities available in the town centre. Given the distances, topography and nature of the route and the lack of regular bus services future residents would have no realistic alternative to the private motor car to access services and facilities necessary for daily life.

The submitted travel plan does not satisfactorily demonstrate that the future residents would have any option but to rely on the private motor car for virtually all their daily needs. Such lack of choice of transport modes constitutes unsustainable development contrary to the presumption in favour of sustainable development running through the NPPF which is not outweighed by any reasonable benefit arising from the development. Accordingly the proposal is contrary to the policies contained within the NPPF and saved policies ST3, ST5 and TP2 of the South Somerset Local Plan (2006).

- It has not been demonstrated that the loss of best and most versatile agricultural land (grades 1 & 3a) has been justified in this instance where there is other lower grade land available.
- Dancing Lane by reason of its width, lack of pavements and use by the school is incapable of safely accommodating the additional traffic generated by this development without detriment to pedestrian safety.
- It has not been demonstrated that the proposal to development upto 35 houses on this site could be satisfactorily achieved whilst maintaining the setting of the grade 2 listed Verrington Lodge.

(Voting: 6 in favour: 3 against)

93. Planning Application 14/03214/FUL. Mundays Mead, Wincanton - Erection of a dwelling (Agenda Item 16)

Prior to consideration of this application Cllr William Wallace declared a personal interest as he had not realised that the applicant was a personal friend. He left the meeting during consideration of this application.

The Planning Officer presented the report as detailed in full in the agenda report. With the aid of a power point presentation he showed details of the site and various infill plots in the area. There were no updates to report and his recommendation was to approve the application.

Mrs C Parish and Mr M Russell both spoke in objection to the application, they explained that there was already a problem parking in the area which would be made worse during construction and afterwards with the onset of extra vehicles associated with the new dwellings. The houses in Mundays Mead had originally been built with large gardens, not to be used for the building of extra dwellings. This application would be near a blind bend and busy junction. Members were asked to consider the residents and refuse the proposal.

Mr C P Farrell as the owner of the site spoke in support of the application; he had agreed to off street parking which would alleviate parking issues and had agreed to use obscure glass where appropriate.

Ward Members Cllrs Nick Colbert and Colin Winder although they considered the road was very narrow, realised that it would be hard to refuse the application as good planning reasons would be required.

During discussion, various views were expressed. In response to several queries the Area Lead East and Planning Officer explained that the application was before AEC members as the recommendation did not comply with Highway advice with regards to parking provision and visibility splays. Planning permission would not be required for a dropped kerb as this was an unclassified road; however a license would be required from SCC Highways. Members would have to decide if the extra traffic from Deansley Way now using Mundays Mead was a severe impact; however there would be other means of addressing that issue, other than by refusing the application.

It was proposed and seconded to approve the application as per the officers recommendation. On being put to the vote the motion was carried by 5 votes in favour and 3 against.

RESOLVED: That Planning Application 14/03214/FUL be approved as per the officers recommendation:

01. The proposal is considered to be acceptable in this location and, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of Policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 33/2542/02 received 17 July 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

04. Before the dwelling hereby permitted is first occupied, the access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone or gravel).

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

05. Before the dwelling is occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto any part of the highway and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

06. The area allocated for parking and turning on the submitted plan, drawing no. 33/2542/02 received 17 July 2014 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted or the existing dwelling known as 45 Munday's Mead.

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

07. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway at all times.

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

08. Prior to the occupation of the dwelling hereby approved the first floor window on the north east elevation shall be obscurely glazed and fixed shut and thereafter maintained as at all times. There shall be no additional windows, openings, or other alteration to this elevation with the prior express grant of planning permission.

Reason: In the interests of residential amenity and in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

(Voting: 5 in favour: 3 against)

94. Planning Application: 14/00479/FUL Proposed erection of 3 detached dwellings at Land Os 3969 Part Devenish Lane, Bayford (Agenda Item 17)

The Planning Officer presented the application which had been deferred at AEC on 10th September 2014 for a members site visit, he gave an update from the Highway Authority in response to the submitted traffic speed data that had been collected during August 2014, who confirmed that it made no difference to their recommendation as the issue of drivers breaking the law due to speeding was for the police to action. The officer confirmed that this application remained as one for approval,

Mr R Keattch, Mr I Durrant and Mr R D'Arcy all spoke in objection to the application and made the following points some of which included:

- Disappointed that a Highway Officer had not attended the site visit;
- A new boundary hedge and footpath would be required if the application was approved;
- The lane was unsuitable for the extra traffic the development would cause;
- The 'informal passing places' were not for public use as they were private entrances;
- Independent highway advice should be sought;
- Raised concern regarding the Transport Statement as there had been a fatality in the vicinity and a recent near miss. An increase in traffic would not help the situation at all.

The Chairman noted that the Ward Member was not in attendance.

In response to questions from Members the Area Lead East explained that the applicant did not need to provide a pavement; the footpath, which walkers currently used, could meet the required need. In general Rights of Ways could not be laid with tarmac. The accesses to the new properties could be used as passing places and a condition could be included that they be kept clear of obstruction. Would 3 extra dwellings make that much difference to the current use of the footpath?

A proposal was made and seconded to approve the application as per the officer's recommendation plus 2 extra conditions to include: the entrance gates should be hung inwards and set back a minimum of 2 meters, and that there should be no vehicular access from the footpath to the rear of the site. On being put to the vote the motion was carried by 6 votes in favour: 2 against and 1 abstention.

RESOLVED: That Planning Application 14/00479/FUL be approved as per the Officers recommendation:

The proposal, by reason of its size, design, materials and location, represents appropriate infills which is designed to respect the character of the area, causes no demonstrable harm to residential amenity and highway safety and does not foster growth in the need to travel in accordance with the aims and objectives of policies ST2 and ST6 of the South Somerset Local Plan (Adopted April 2006) and the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: LO_10_002; 003 and 004; LO_13_002; 003 and 004;

and LO_01_001 received 28 January 2014; and LO_01_007 RevC received 12 May 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No removal of bramble, scrub, hedges, trees or other vegetation shall commence until a Method Statement detailing precautionary measures to minimise the risk of harm to dormice, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the Method Statement, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

04. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to reptiles, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

05. No development shall take place before a detailed landscape proposal that should include prescriptions for hedge management at all boundaries and include heights to be maintained has been submitted to and agreed in writing by the LPA. Such details as shall be agreed shall be undertaken on site as part of the development hereby permitted.

Reason: In the interests of character and appearance further to policy ST5 of the South Somerset Local Plan.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

07. Before the development, hereby permitted, is commenced a drainage scheme designed to avoid any increase in run off from the sites shall be submitted to and agreed in writing by the LPA. Such details as agreed shall be under taken as part of the development and thereafter retained.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

08. The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

09. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.0m back and parallel to the nearside carriageway edge over the entire Devenish Lane site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

10. Any entrance gates shall be hung to open inwards and set back a minimum distance of 2m from the highways at all times. No obstruction to vehicular movement shall be placed forward of the gates, or within 2m of the highway.

Reason – In the interests of highways safety in accordance with saved policy ST5 of the South Somerset Local Plan.

11. There shall be no vehicular access to the dwellings hereby approved from the footpath to the rear (west) of the site.

Reason – In the interests of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan.

(Voting: 6 in favour: 2 against 1 abstention)

95. Planning Application:14/01333/OUT Outline application for the redevelopment and restoration of Lakeview Quarry, Keinton Mandeville. (Agenda Item 18)

Cllr Tim Inglefield left the meeting prior to consideration of the subsequent planning applications.

The Area Lead East presented the planning application as detailed in full in the agenda. The application had previously been deferred due to the presence of newts on the site, the Ecologist was now happy that the mitigation strategy addressed that issue. The Landscape Officer was content and considered that, if the application was approved, a more detailed scheme could be arranged at the reserved matters stage.

The officer advised that since writing his report the wording of Condition 14 had been amended in order to ensure clarity; comments from the Parish Council had been received confirming that they still stood by their objections and a letter had also been received from a local resident about previously raised issues.

With the aid of a power point presentation, photos of the site were shown which included the active part of the quarry and ponds that were inhabited by greater crested newts.

The Area Lead East concluded that although the proposal had generated a lot of opposition, it had also generated a lot of support. It was considered that up to 42 houses would be financially viable and was a reasonable level of development for a single site in Keinton Mandeville plus the S106 obligation to include additional land for school use and the village green. His recommendation was therefore to approve the application.

Mr B O'Hara, Chairman of Keinton Mandeville PC, (had taken no part in the discussion at the PC meeting) addressed the committee in opposition to the application and the suggested benefits that it could bring. He felt that 42 dwellings was too large a number, the local roads would not be able to cope with the extra traffic generated by the application and Highway officers were not listening to local people; the land was not free draining and if approved that issue would need rectifying. He also asked members to note that some of the letters in support of the application were from people who did not live in the parish.

Mr A Lines, Mr Thomas, and Mrs B Samson all raised objections to the application as they were concerned about the impact of additional traffic and the lack of public transport, they questioned the necessity of low cost housing in Keinton Mandeville. The scheme would increase the number of dwellings in the village by 10%.

Mrs A Rood, Mr N Wild and Mrs S Cook all spoke in support of the application which they considered would be a huge benefit to the community and local school. HGV's currently using the quarry caused dust and noise, there was the possibility that if the quarry remained it could expand, meaning more large vehicles would use the site; any extra vehicles from the proposed dwellings would not cause as much disruption. The moving of the pre-school would also be of benefit to the village.

Mr C Miller the agent for the application asked members to support the officer's recommendation which would provide community benefit and did have a lot of public support.

Ward Member Cllr John Calvert was concerned that the village was divided in its opinion, he could see the benefits to the school but was concerned about the proposed new exit on to Queen Street, he did not think the proposed mitigation scheme would be the complete answer; a 10% increase in dwellings in the village was a sizeable amount.

In response the Area Lead East asked members to consider the balance between the harm and the level of benefits the development would bring. The position of the site was where it was, there was nowhere else in the village where a development of this size could be accommodated that would bring the same level of benefit to the community. Less than 10 dwellings would mean that the affordable housing element would not be triggered but would also mean no S106 obligation.

In response to the chairman asking if there were any misstatements made by a councillor or officer during the presentation, a member of the public felt that the slide showing the proposed mitigation scheme was misleading; visibility round the bend in the road would be impaired. He understood that if the application was refused, permission would be required to quarry for any remaining stone in the quarry.

In response, the Area Lead East confirmed that no further permission was required should the quarry owner seek to exploit the aggregate stone remaining in the quarry.

The agent also confirmed that the applicant did not have to carry out traffic calming measures but had agreed to do this as he considered that local people had asked for it, but work would not be carried out if it was not wanted. He also reminded the committee that the quarry had extant permission to operate until 2042.

During discussion one member voiced his opinion that there was a worry within the community about the number of cars the proposal would bring but the alternative would be an increase in HGV movements. There was a short discussion regarding employment use and restricting uses falling within B1.

The Area Lead East explained that on page 102 of the agenda report the S106 should include item 5 reference to the delivery of £75,000 towards pre-school provision which had been offered over and above policy.

A proposal was made and seconded to approve the application as per the officer's recommendation plus 2 additional conditions and 2 additional informatives:

- The employment use hereby permitted shall be restricted to uses falling within the B1 use class only.
- The residential component of the development hereby permitted shall not exceed 42 dwellings.

Plus additional informatives:-

- The details to be submitted for reserved matters approval in relation to the employment use on the site shall include noise mitigation measures to ensure that any impacts are sufficiently mitigated.

- The details to be submitted in relation to conditions 8 and 9 should be informed by discussions with the Parish Council to ensure local concerns are addressed where possible.

On being put to the vote the motion was carried 7 votes in favour and 1 abstention.

RESOLVED: That Planning Application 14/01333/OUT be approved as per the officers recommendation with an additional S106 obligation:

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
1. At least 35% of the dwellings are delivered as affordable housing to the satisfaction of the Council's Strategic Housing Manager.
 2. A contribution of £5,036 per dwelling is provided for to mitigate the impact of the development on sports, arts and leisure facilities to the satisfaction of the Assistant Director (Wellbeing).
 3. Provision is made for the delivery, and subsequent management in perpetuity, of the additional land for school use, allotments, the village green and recreational land, including any items of archaeological interest to the satisfaction of the development manager.
 4. Provision is made for an education contribution of £12,257 per primary school place as requested by the County education authority.
 5. £75,000 is provided towards pre-school provision to the satisfaction of the Development Manager (trigger point to be agreed with ward member)

Justification

It is considered that the benefits of the development in terms of the delivery of a variety of housing types and community benefits, along with the cessation of the potentially

disruptive quarrying activities, outweigh any limited landscape and visual harm arising from the development of the site. The proposal would not have a severe impact on highways safety or a significant impact on ecology, drainage, residential amenity and provision has been made for the reasonable and necessary planning obligations to address the identified impacts on infrastructure. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework and is in general accordance with the direct of policy in the Emerging South Somerton local Plan.

CONDITIONS

01. Details of the appearance, landscaping, layout and scale (herein after called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin not later than 3 years from the date of this permission or not later than 2 years from the approval of the last “reserved matters” to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

- 03 The residential component of development hereby approved shall comprise no more than 42 dwellings and shall be carried out generally in accordance with the layout indicated on the revised master plan no. 403 (00) 03H dated 20/06/14.

Reason: To ensure that the development is commensurate with the scale of the settlement and with the agreed mitigation measures in accordance with saved policies HG7, CR3, ST5 and ST10 of the South Somerset Local Plan (2006).

04. Prior to the submission of any application for the approval of the reserved matters in relation to the self-build houses, a Design Code setting out the parameters for the scale, appearance and palette of materials shall be submitted to and approved in writing by the Local Planning Authority. This shall then be used as the basis for all submissions of applications for approval of reserved matters for these houses.

Reason: To ensure a high quality form of development in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan (2006).

05. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to:-

1. Line, level and layout of the access road junction (as shown generally in accordance with submitted plan 403 (00) 04 Rev A and

2. Off-site highway works as shown on (but not limited to) Queen Street as shown generally in accordance with Figure 21 page 33 Lvw Transport Assessment, including its means of construction and surface water drainage.

The approved access road junction and off site highway works shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 prior to the occupation of any unit hereby approved.

Reason: In the interests of highways safety in accordance with saved policy ST5 of the South Somerset local Plan (2006).

06. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details 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.

Reason: In the interests of highways safety in accordance with saved policy ST5 of the South Somerset local Plan (2006).

07. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety and the amenities of future occupiers in accordance with saved policies ST5 and ST6 of the South Somerset local Plan (2006).

08. Prior to the commencement of the development, a framework for the preparation of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The framework shall set out the proposed contents of the plan, in accordance with best practice. Within one year of the first occupation of the buildings hereby approved, a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include measurable outputs and arrangements for appropriate monitoring and enforcement.

Reason: In the interests of sustainable development in accordance with saved policy TP2 of the South Somerset local Plan (2006).

09. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice, temporary pedestrian and cycle links and a condition survey of the existing public highway along with measures to remedy any damage to the highway occurring as a result of this development to the satisfaction of the Highway Authority once all works have been completed on site. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and the amenities of local residents in accordance with saved policies ST5 and EP6 of the South Somerset local Plan (2006).

10. Before the new development is first brought into use, the pick-up/set down arrangements and parking areas for the existing school (as shown generally in accordance with the submitted plans) use shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety in accordance with saved policy ST5 of the South Somerset local Plan (2006).

11. 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.

Reason: To safeguard the archaeological potential of the site in accordance with saved policy EH12 of the South Somerset local Plan (2006).

12. The development hereby permitted shall not be commenced (including any ground works or site clearance outside of the current area of quarrying) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved

details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with saved policy EC8 of the South Somerset Local Plan (2006), and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

13. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with saved Policy EC8 of the adopted South Somerset Local Plan (2006).

14. The development hereby permitted shall not be commenced (including any ground works or site clearance outside of the current area of quarrying) until a survey to determine the value of the site to invertebrates along with a method statement detailing measures to avoid harm to any protected species of invertebrate found to be present, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with saved policy EC8 of the South Somerset Local Plan (2006), and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

15. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk

management action, and how this will be validated. Any on-going monitoring should also be outlined.

4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.”

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with saved policy EP1 of the South Somerset Local Plan (2006).

16. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with saved policy EU4 of the South Somerset Local Plan (2006).

17. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason – To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes in accordance with saved policy EP1 of the South Somerset Local Plan (2006).

18. The development hereby permitted shall not be commenced (including site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a great crested newt mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any ‘European Protected Species Mitigation Licence’ issued by Natural England, unless otherwise approved in writing by the local planning authority.

Further great crested newt surveys undertaken between March and June and using methods and survey effort to enable population class size assessment to be confirmed shall be submitted with any full or reserved matters application.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

19. The employment use hereby permitted shall be restricted to uses falling within the B1 use class only.

Reason – In the interests of the amenities of the locality in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan

20. The residential component of the development hereby permitted shall not exceed 42 dwellings.

Reason – To ensure that the level of development is commensurate with the agreed obligations and the benefits cited in support of the development.

Informative

1. You are reminded of the contents of the Environment Agency's letter of 22/04/14, a copy of which is available on the Council's website under the application reference number.
2. You are reminded that before this development can commence, a European Protected Species Mitigation Licence (under *The Conservation (Natural Habitats, &c.) Regulations 2010*) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
3. The details to be submitted for reserved matters approval in relation to the employment use on the site shall include noise mitigation measures to ensure that any impacts are sufficiently mitigated.
4. The details to be submitted in relation to conditions 8 and 9 should be informed by discussions with the Parish Council to ensure local concerns are addressed where possible.

(Voting: 7 in favour: 1 abstention)

96. Planning Application 14/03456/FUL Repairs and external alterations to garage and stable building at Limestones, South Street, Castle Cary (Agenda Item 19)

The Planning Officer presented the application as detailed in the agenda report. With the aid of a power point presentation he showed the site, relevant buildings and aerial views. He advised the committee that the informative on page 113 of the agenda report should have the words '*hereby approved*' removed. The officer confirmed that his recommendation was to approve the application which was solely for repairs and external alterations and not for a change of use.

Mr J Biddlecombe and Mr P Fletcher both spoke in opposition to the application, and voiced their concern about the increased vehicular activity if approved, and felt that a traffic enforcement plan would be required whilst work was being carried out. The privacy of the adjoining property would be jeopardised and if approved the external door should be fitted with obscure glass.

Mr G House the applicant said that he had tried to screen the view of the neighbouring property by placing trellis at an angle. He acknowledged that the nearby junction was awkward but would be made worse if the garage was actually used as a garage.

Ward Member Cllr Nick Weeks voiced his concern that the application could in effect turn the garage into a semi-detached property and could have an impact on the neighbour's amenity.

Ward Member Cllr Henry Hobhouse noted that the property had at one time been one property and if approved a condition should be included to soundproof the adjoining party wall.

In response to the chairman asking the members of the public if an officer or councillor had made a misstatement, one person said that one of the photos had been taken when the road had been unduly quiet, he disagreed with the applicant when he said that he didn't usually park on the road.

The Area Lead East explained that ancillary use could include a granny annexe as long as there were no external changes and was less than 4 metres high and would not require planning approval.

During a short discussion the issue of the use of extra sound insulation was raised; a suggestion was made to use opaque glass in the external door and roof lights and any trellis/fence should be of a light colour.

The applicant indicated that he would be happy to address the sound issue.

A proposal was made and seconded to approve the application as per the officer's recommendation plus 2 additional conditions:

- Prior to the commencement of development details of noise attenuation measures to the party wall shall be submitted to and approved in writing by the local planning authority. Once approved such measures shall be fully implemented prior to the occupation of the ancillary accommodation and shall be maintained at all times thereafter.
- Prior to the commencement of development the new rear door to the ancillary occupation shall be fitted with obscure glass which shall be maintained at all times thereafter.

On being put to the vote the motion was carried 6 in favour and 2 abstentions.

RESOLVED: That Planning Application 14/03456/FUL be approved as per the officers recommendation for the following reason plus 2 additional conditions:

01. The proposal, by reason of its size, scale and materials, respects the character of the conservation area, and causes no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of Policies EH1, ST6 and ST5

of the South Somerset Local Plan (Adopted April 2006) and the aims and provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 1323/02 received 04 August 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policies EH1 and ST6 of the South Somerset Local Plan (Adopted April 2006).

04. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policies EH1 and ST6 of the South Somerset Local Plan (Adopted April 2006).

05. No work shall be carried out on site unless details of the trellis/screen have been submitted to and agreed in writing by the Local Planning Authority. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity and to comply with Policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

06. Prior to the commencement of development details of noise attenuation measures to the party wall shall be submitted to and approved in writing by the local planning authority. Once approved such measures shall be fully implemented prior to the occupation of the ancillary accommodation and shall be maintained at all times thereafter.

Reason – In the interests of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan.

07. Prior to the commencement of development the new rear door to the ancillary occupation shall be fitted with obscure glass which shall be maintained at all times thereafter.

Reason – In the interests of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan.

Informatives:

01. The applicant is reminded that this application was made on the basis of 'householder' development. As such, it should be noted that the accommodation should only be used as domestic accommodation ancillary to the residential use of the house known as Limestones.

The use of the accommodation as a separate residential property, holiday let, or any purpose not ancillary to Limestones will require the approval of a further application for planning permission.

(Voting: 6 in favour: 2 abstentions)

97. Planning Application: 14/03235/FUL Demolition of existing outbuildings and the erection of a dwelling The Old Rectory, George Street, Charlton Adam. (Agenda Item 20)

The Planning Officer presented the application as detailed in the agenda report. He explained that plans had been amended after a neighbour's complaint regarding the skylights; however they still had an issue over the proposed height of the dwelling. With the aid of a point presentation plans of the site and photos were shown.

The officer confirmed that his recommendation was to approve the application.

Mr N Smith spoke in objection to the application on behalf of himself and near neighbours Mr and Mrs Manns. Mr Smith was concerned about the loss of privacy from his property Church Cottage, and Mr and Mrs Manns were concerned about the close proximity of the proposed dwelling, the height of the roof shown on the plans and the proposed black roof tiles that would be seen from their window.

Helen Lazenby from Clive Miller Associates on behalf of the applicant, addressed the meeting and advised that the replacement dwelling would be of a similar footprint to the demolished buildings, plans had been amended to address the concerns of the neighbour but if AEC members felt it was necessary, adjustments to the other windows could be made.

Ward Member Cllr John Calvert felt the application was an over development of the site; the size, form and close proximity to the boundary was of concern.

In response to a query the Area Lead East replied that there was no issue with the nearness of the dwelling to the boundary, but it was about any impact the close proximity could cause.

It was suggested that all windows should have obscure glass.

The agent explained that it was proposed to erect a fence on the boundary wall to take the fence to 1.8 meters high.

During the short discussion it was suggested that if the application was approved and in the event that the new fence could not be erected, all windows should have obscure glass and any roof lights should be installed at least 1.7 meters above floor level and details of the material for the roof tiles to be specified.

A proposal was made and seconded to approve the application as per the officers recommendation; plus an amendment to the wording of Condition 03; an extra sentence in Condition 07 regarding the fence to the east boundary and another condition regarding the roof lights; plus an informative regarding the materials to be used for the roof tiles.

On being put to the vote the motion was carried by 6 votes in favour and 1 abstention.

RESOLVED: That Planning Application 14/03235/FUL be approved as per the officers recommendation

The proposed development is considered to be acceptable, by reason of its design, scale and materials, and has no adverse impact the character and appearance of the locality, the setting of local heritage assets, highway safety and ecology and causes no unacceptable harm to residential amenity in accordance with the aims and objectives of saved policies ST3, ST5, ST6, EC8, EH1, EH3 and EH5 of the South Somerset Local Plan and the provisions of chapters 4, 6, 7, 11 and 12 and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: '6391/02A', '6391-03A' and '6391-04A', received 19th August 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. Notwithstanding the details submitted, no work shall be carried out on site unless particulars of the materials (including the provision of samples) to be used for the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. The existing means of access serving The Old Rectory, from George Street, shall be stopped up, in accordance with the details that shall be submitted to and agreed in writing by the Local Planning Authority, and its use permanently abandoned within one month of the development hereby permitted being first being occupied.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

05. Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity, in accordance with saved policy EC8 of the South Somerset Local Plan and the provisions of chapter 11 of the National Planning Policy Framework.

06. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (planting), which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

07. All new boundary treatments shall be provided in accordance with details as indicated on approved plan '6391-04A'. In the event that the new fence to the east boundary cannot be erected all windows to the east elevation shall be fitted with obscure glazing which shall be fixed shut and maintained as such at all times thereafter. Such approved details shall be fully provided before the dwelling hereby permitted is first occupied and shall be permanently retained and maintained thereafter.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the dwelling hereby permitted, without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

09. All rooflights hereby approved shall be installed so that all glazed parts are at least 1.7 above the floor level of the room they serve. Once installed the rooflights shall not be altered without the prior express grant of planning permission.

Reason – In the interests of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan.

Informative:

The details to be submitted in connection with condition 3 should specify tiled roofing materials

(Voting 6 in favour: 1 abstention)

98. Planning Application 14/02794/OUT Knapp house, The Knapp, North road, Charlton Horethorne. (Agenda Item 21)

The Planning Officer presented the application as detailed in the agenda report. With the aid of a power point presentation he showed the indicative layout and photographs of the site. He confirmed that his recommendation was to approve the application.

Mr P Springett and Mr M Hutchings both spoke in objection to the application they felt that there was other more suitable land in the vicinity; the proposed dwelling would be very close to the boundary of the Granary and would be overpowering; the character of the village would be spoilt by building outside of the development area. There was concern that this application would set a precedent as there were other large gardens in the area that could request to do the same.

Mr L Grant a near neighbour spoke in support of the proposal as long as a good fence was erected and no precedent was set.

Mr P A Lynch the applicant addressed the committee and explained that he had lived in the village for some time, he felt that there would be no adverse impact from the proposal which would not be overbearing; the sun would not be obscured as the proposal was for a single storey dwelling.

Mrs J Montgomery the agent informed members that there had been a great deal of pre-application discussion before the application had been finalised.

Ward Member Cllr William Wallace addressed the meeting, he advised that he had visited the site and although the dwelling was on a slightly raised site he considered that overall the design was suitable.

In response to several queries the Planning Officer confirmed that a clause could not be added to ensure that a precedent would be set but that issue would be for AEC members to consider should any other applications be presented. With reference to the development line, the Google aerial view was shown again and the line indicated, it would appear to be sensible to have the access running along the boundary.

A proposal was made and seconded to approve the application as per the Officers recommendation. On being put to the vote the motion was carried by 5 votes in favour and 2 abstentions.

RESOLVED: That Planning Application 14/02794/OUT be approved as per the officers recommendation for the following reason:

Charlton Horethorne by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of a dwelling on this site, immediately adjacent to the settlement limit would respect the character of the locality and the setting of the nearby conservation area with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with policies ST2, ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the block and location plans 14086-1C received 23 July 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

02. Details of the access, appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

(Voting: 5 in favour: 2 abstentions)

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Chairman