

## South Somerset District Council

**Minutes** of a meeting of the **Area North Committee** held in the **Council Chamber, Council Offices, Brympton Way, Yeovil** on **Wednesday 28 August 2019**.

(2.10 pm - 3.45 pm)

**Present:**

**Members:** Councillor Adam Dance (Chairman)

Neil Bloomfield	Tiffany Osborne
Malcolm Cavill	Crispin Raikes
Louise Clarke	Dean Ruddle
Mike Hewitson	Mike Stanton
Tim Kerley	Gerard Tucker



**Also present:**

Val Keitch

**Officers:**

Debbie Haines	Locality Team Leader
Adrian Moore	Locality Officer
Anna-Maria Lenz	Specialist (Strategic Planning)
Paula Goddard	Specialist (Legal)
Colin Arnold	Specialist (Development Management)
Louisa Brown	Specialist (Development Management)
Alex Skidmore	Planning Officer
Becky Sanders	Case Services Officer (Support Services)

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

---

### 36. Minutes (Agenda Item 1)

The minutes of the meeting held on 24 July 2019 were approved as a correct record and signed by the Chairman.

---

### 37. Apologies for absence (Agenda Item 2)

An apology for absence was received from Councillor Clare Paul.

---

### 38. Declarations of Interest (Agenda Item 3)

Councillors Adam Dance and Crispin Raikes each declared a personal interest for item 14 – planning application 18/03416/FUL, as they are also members of South Petherton Parish Council who had submitted comments on the application.

Councillor Neil Bloomfield declared a personal and prejudicial interest for item 14 - planning application 18/03416/FUL, due to some work in his employment recently undertaken for a staff member of the agent.

---

**39. Date of next meeting (Agenda Item 4)**

Members noted that the next meeting of the Area North Committee was scheduled for 2.00pm on Wednesday 25 September 2019, in the Council Chamber, Council Offices, Brympton Way, Yeovil.

---

**40. Public question time (Agenda Item 5)**

There were no questions from members of the public present at the meeting.

---

**41. Chairman's announcements (Agenda Item 6)**

There were no announcements from the Chairman.

---

**42. Reports from members (Agenda Item 7)**

Councillor Dean Ruddle noted there had recently been a Fun Day held in Somerton, organised by SSDC, which had been well attended.

Councillor Neil Bloomfield reminded members of the current consultation by the Devon & Somerset Fire and Rescue Service, and urged people to respond.

---

**43. Community Grant to Seavington Parish Council (Executive Decision) (Agenda Item 8)**

The Locality Officer presented the report which asked members to consider awarding a grant towards refurbishment and extension of the play area, and improved youth facilities at Seavington Playing Field. He noted that funding had also been secured to create a perimeter path around the field that would help to promote year-round use of the facilities.

During a short discussion, the Locality Officer responded to points of detail including:

- Further detail of the project
- Optimistic that remaining funding would come forward.
- The location was a hub for the community and benefitted from on-site parking and the café with its facilities

At the end of discussion members unanimously agreed to award a grant of £12,235, to Seavington Parish Council, as per the officer recommendation.

**RESOLVED:** That a grant of £12,235 be awarded to Seavington Parish Council, to be allocated from the Area North Capital Programme, and subject to SSDC standard conditions for Community Grants (as detailed in Appendix A of

the agenda report).

**Reason:** Provision of grant funding towards the refurbishment and extension of the play area and improved youth facilities at Seavington Playing Field.

*(Voting: unanimous in favour)*

---

#### **44. Area North - Council Plan Priorities 2020/21 (Agenda Item 9)**

The Specialist (Strategic Planning) presented the report which detailed the priorities identified by Area North Committee for consideration in the Council Plan, as agreed at a workshop for members held in July 2019. She explained the four most highly ranked priorities would go forward to District Executive for consideration for inclusion in the Council Plan. The remaining priorities would be developed for inclusion in the Area North Chapter of the Council Plan.

In response to a question, the Specialist briefly outlined the next steps for developing any priorities.

There being no further discussion, members unanimously agreed the recommendations of the report.

**RESOLVED:**

1. That the proposed corporate strategic priorities be presented to District Executive for consideration for inclusion in the Council Plan.
2. That the other priorities raised at the workshop be developed into the Area North Chapter in collaboration with the chair of the committee.

*(Voting: unanimous in favour)*

---

#### **45. Area North Committee Forward Plan (Agenda Item 10)**

There was no discussion and members were content to note the Forward Plan.

**RESOLVED:** That the Area North Forward Plan be noted.

---

#### **46. Planning Appeals (Agenda Item 11)**

Members noted the report that detailed planning appeals which have been lodged, dismissed or allowed.

---

#### **47. Schedule of Planning Applications to be Determined By Committee (Agenda Item 12)**

Members noted the schedule of planning applications to be determined at the meeting.

---

**48. Planning Application 19/00016/FUL - Land OS 9687, Martock Road, Long Sutton (Agenda Item 13)**

***Proposal: Erection of one dwelling and associated garaging and landscaping.***

The Specialist (Development Management) presented the application, as detailed in the agenda report, and highlighted the key considerations.

A representative for the applicant and the agent addressed members in support of the application. Some of their comments included:

- A brief overview of the planning history on the site and why the applicant was no longer going ahead with the three dwelling scheme.
- Representatives have had five months to comment on the application.
- Three nearby dwellings have already been agreed, and the Highways Authority did not require the provision of a pavement
- Site is in a sustainable location close to village facilities.
- Original application had been for three dwellings but due to the level of objection it had been reduced to a single dwelling to address local concerns.
- Principle of housing on this site had already been agreed, and the design of the proposed dwelling was considered to sit well with neighbouring buildings.

Ward member, Councillor Gerard Tucker, corrected an aspect of the officer presentation and advised members that there was no longer a shop in the village as it had closed a few months previously. He also noted the school was under threat due to declining pupil numbers. He referred to local priorities regarding affordable housing and also aspects of the planning history on the site. In his view, the proposal for a single dwelling was not an amendment to the originally submitted application and it should have been a new application. He felt the proposal was contrary to policy and was building in the open countryside.

During a short discussion, mixed views were expressed. Some of the comments included:

- The public footpath running along the edge of the site is a natural end to the built development of the village.
- Affordable housing for local people would be more beneficial.
- Don't think proposed dwelling will be in line with neighbouring housing.
- Site is close to the edge of the 30mph limit and vehicles are likely to be going faster at that point.
- Looks like a natural building plot and it doesn't encroach into the field.  
How can one dwelling be refused by saying that three is acceptable?
- This proposal does little to sustain the village.
- Need to put more people into the community to help support local facilities.

At the end of debate it was proposed to approve the application as per the officer recommendation. On being put to the vote this was carried 6 votes in favour, 3 against with 2 abstentions.

**RESOLVED:** That planning application 19/00016/FUL be APPROVED, as per the officer recommendation, subject to the following:

**Justification:**

01. The Council cannot demonstrate a 5-year housing land supply. Long Sutton is an appropriate location for this level of development and the site is suitable in terms of its services. By reason of its juxtaposition with existing built form and its scale the proposal represents appropriate development that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

**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: Drawing No. 08, 05 Rev A, 03 Rev B, 07 Rev B, 06 Rev C and 01.

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

03. No work shall be carried out in relation to any of the below elements until particulars of that element have been submitted to and approved in writing by the Local Planning Authority:

- a) materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b) the mortar mix and coursing of the external walls (best illustrated through the provision of a sample panel);
- c) the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- d) all hardstanding and boundaries
- e) the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

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

- Construction vehicle movements;

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

Reason: In the interests of highway safety and efficiency and residential amenity in accordance with policies TA5 and EQ2 in the South Somerset Local Plan.

05. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43.0 metres either side of the access. Such visibility shall be provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

06. The proposed access shall be constructed in accordance with the details shown on the submitted plan, Drawing No. 06 Rev C, and shall be available for use before the occupation of the dwelling hereby approved. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

07. The proposed access over at least the first 6.0 metres of its length, as measured from the edge of the adjoining carriageway, shall be property consolidated and surfaced (not loose stone or gravel) in accordance with details which have been submitted and approved in writing by the Local Planning Authority. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: To ensure the development is provided with a suitably constructed access which provides appropriate vehicle visibility splays, and allows access to the property in a controlled manner in the interests of highway safety and in accordance with policy TA5 in the South Somerset Local Plan.

08. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall be maintained in that

condition thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, detail of which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed, the system of interception shall be retained in a good state of repair thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

10. The area allocated for parking and turning on the submitted plans (Drawing No. 06 Rev C) 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

11. Prior to first occupation of the dwelling hereby permitted, an electric charging point (of a minimum 16amps) for electric vehicles shall be provided for the dwelling adjacent to the designated parking spaces or car port shown on the approved plan. Once installed such charging point shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

12. Before any foul drainage pipe work is installed, the details of that system and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved by the Local Planning Authority. The system must be installed entirely in accord with the agreed details.

Reason: To ensure no groundwater enters the foul water drainage system within the site.

13. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree/hedgerow and shrub planting. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-types/root-volumes and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding and mulching shall

also be included in the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

14. No artificial lighting associated with the development will illuminate the boundary hedgerows, or any proposed bat boxes. A lighting scheme showing how this would be achieved should be submitted to South Somerset District Council before work on site commences for approval. See Guidance Note 08/18 - Bats and artificial lighting in the UK, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Reason: All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992. Lacking evidence to the contrary it must be assumed the boundary hedgerows and trees forms part of the habitat available to maintain local bat populations. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity.

15. Any vegetation in the construction area, excluding the hedgerows, will be maintained at a height of less than 10cm for the duration of the pre and active construction period.

Reason: Reptile species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

16. No hedgerow management works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the hedgerows for active birds' nests immediately before works proceed and provided written confirmation that no birds will be



harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

17. With regard to badgers:

- All contractors on site must be appropriately briefed by the Site manager, indicating that badgers are legally protected and must not be disturbed.
- Any construction excavations over 1 metre deep and left open overnight must be either cover plated or have a means of escape should a badger fall in. A suitable means of escape is a rough wood plank slowly inclined from the base of the excavation to the surrounding ground level.
- Any construction opening larger than 125mm diameter or equivalent, must not be left open overnight.
- New home occupiers must be advised by the Developer that badgers are active in the vicinity and that badgers and badger setts are legally protected.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference.

18. Prior to the occupation of the dwelling hereby permitted the following enhancements shall be installed:

- 1 x terraced sparrow box to be installed within a north or east facing external wall of the new dwelling. (These are best fitted under the eaves and need to be at least three meters high and close to vegetation.)
- 1 x woodstone swift nest box to be installed on a south of west facing wall, five meters above ground level ensuring that there is an unobstructed access for birds to enter/leave the box. (If possible, boxes should be situated under the shelter of the eaves. The southern gable end would be an ideal location on the proposed building.)
- 1 x Build-in WoodStone Bat Box or similar, to be installed on the southern and/or western elevation of the new dwelling, at a height of over 3m.
- 1 x integrated bee brick built into the external wall space of the new building. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

19. No work shall be carried out to erect any boundary treatment unless full details of the boundary treatments, including walls, fences, railings, gates, gateposts have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and permanently retained and maintained.

Reason: In the interests of visual amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building (including any enlargement of the roof) without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

**Informatives:**

01. The applicant attention is drawn to Wales and West Utility's letter of 6/2/2019.
02. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please

complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details  
<https://www.southsomerset.gov.uk/cil>

Or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

03. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
  - make a PROW less convenient for continued public use; or
  - create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

04. The County Highway Authority advise that the alteration of the access and/or minor works involves construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the South Somerset Area at The Highways Depot, Mead Avenue, Houndstone Business Park, Yeovil, BA22 8RT, who will advise upon and issue/provide the relevant licences necessary under the Highways Act 1980.

05. The County Highway Authority advise that the creation of the visibility splay will require the re-positioning of some existing street furniture (National Speed Limit signage) this may require a Traffic Regulation Order and the applicants are advised to contact the Somerset County Council Traffic Management Team in order to establish any requirements.
06. The applicant is advised that the boundary treatments and landscaping should take into account the following advice of the ecologist:
- Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site.
  - All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native.
  - Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.
  - The hedgerows along the north, south and west boundary will be retained and managed as a screen and habitat feature, at a height over three meters, with a minimum of 6 individual trees allowed to mature.

*(Voting: 6 in favour, 3 against, 2 abstentions)*

---

**49. Planning Application 18/03416/FUL - Land Rear of the Old Garage, West Street, South Petherton (Agenda Item 14)**

*(Councillor Neil Bloomfield having earlier declared a personal and prejudicial interest for this item, left the room prior to presentation and consideration of this application.)*

***Proposal: Demolition of redundant commercial buildings and erection of 9 dwellings and change of use of commercial unit to accommodate 4 self contained commercial B1 units (Town and Country Use Classes Order 1987 (England) (As amended)).***

The Specialist (Development Management) presented the application as detailed in the agenda report, and highlighted the key considerations. She reminded members that due to the lack of a five year housing land supply there was less weight on policies. She explained there was a need locally for small starter units and was supported by SSDC Economic Development. On balance it was considered a sustainable location, as although there was no pavement, it was considered there was safe access into the village and its facilities. She referred to local concerns about some of the drainage elements, and also noted the proposal met local housing need in a rural centre without causing significant harm.

One person spoke in objection to the proposal and referred to some recent applications considered by the committee in March and June. The proposal would lead to a loss of employment land. She queried where the current business was planning to relocate, and that such information should have been provided. Applications for housing elsewhere in the district had been refused owing to the proximity to industrial units, and the potential for future nuisance complaints, and the same applied to this location. She did not agree about the road safety and the route into the village not being hazardous.

One person spoke in support of the application and commented they were local to the area and knew South Petherton well. She was looking to downsize in the future and felt she would be happy to live on the proposed development. In her opinion the light industrial units were not too close to the dwellings and would not deter people from living there. Future residents of the development would be a valuable addition to the community.

The agent, addressed members and highlighted that the proposal was for bungalows on brownfield land. The South Petherton Neighbourhood Plan also sought provision of bungalows. He referred to the National Planning Policy Framework and using particular land for housing. The proposal had the full support of Economic Development and there were no objections from statutory consultees.

Ward member, Councillor Crispin Raikes, had concerns about the location outside the main development of South Petherton and the issue regarding employment land. Some of his other comments included:

- This was not infill development
- Construction of some employment starter units neighbouring the site was due to commence shortly and hence were the additional units proposed in this application also needed.
- Moor Lane floods. The small woodland to the south of the site was planted about 20 years ago to help uptake water running off the land towards Moor Lane.
- The local Doctor's surgery was already stretched and the local schools were at capacity.
- The Neighbourhood Plan sought 1-2 bedroom bungalows not 3 bedroom.
- Vehicles often travel quite fast along the road from the site into the village centre.

Fellow ward member, Councillor Adam Dance, noted he had visited the site and didn't share the concerns regarding flooding. He also commented that some of the local facilities were very stretched.

During discussion varying opinions were expressed, some of the comments included:

- Support the idea for bungalows but not the walk along the road into the village centre.
- If approved, would like to see it conditioned that the business units are converted first before the residential.
- Concern about potential for future complaints and the impact that may have on businesses.
- Don't feel condition requiring business units to be converted within 3 months of occupation of last bungalow is strong enough.
- On balance, will make the site look better.
- The limit of the 30mph zone needs to be moved.

The Specialist responded to points of detail raised during debate, including:

- Condition 25 could be amended to require the business units to be converted prior to first occupation of the bungalows.
- As this was a minor application, there was not requirement to consult with Flooding Authority or the County Education. The developer would need to comply with the requirements of Wessex Water and Building Regulations regarding the drainage.

It was proposed and seconded to approve the application, as per the officer recommendation subject to condition 25 being amended to require the employment units to be completed prior to first occupation of the bungalows. The Specialist read back to members the revised wording for condition 25. On being put to the vote, the proposal was carried 8 votes in favour and 2 against.

**RESOLVED:** That planning application 18/03416/FUL be APPROVED, as per the officer recommendation subject to amended wording for condition 25 (for clarity the agreed wording is detailed in the conditions below), and subject to the following:

**Justification:**

01. The proposed development, by reason of location, design, scale and materials meets local housing need in a rural centre, and supports economic activity appropriate to the scale of the settlement, does not demonstrably harm the settlements supply of employment land/premises and /or job opportunities and does not cause significant harm to the visual amenity, landscape character, residential amenity, ecology, flooding or highway safety in accordance with the aims and objectives of policies SD1, SS1, SS4, SS5, EQ1, EQ2, EQ4, EQ5, EQ7, EP3, TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028), the South Petherton Neighbourhood Plan and the aims and objectives of the NPPF.

**Subject to the following conditions:**

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:

Drawing no. 3881-BB-SK-00-SK-A-100 Revision B received 2 April 2019

Drawing no. 3881-BB-SK-00-SK-A-101 Revision B received 4 December 2018

Drawing no. 3881-BB-SK-00-SK-A-107 received 2 July 2019

Drawing no. 3881-BB-SK-00-SK-A-102 received 18 October 2018

Drawing no. 3881-BB-SK-00-SK-A-105 received 18 October 2018

Drawing no. 3881-BB-SK-00-SK-A-104 received 18 October 2018

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

03. The external surfaces of the development hereby permitted shall be of materials as shown on approved drawing no. 3881-BB-SK-00-SK-A-102 and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Prior to any works to the natural stone external walls full details of the new natural stonework, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, shall be provided to and approved in writing by the Local Planning Authority; the submitted details shall be supported with a sample panel to be made available on site for inspection. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - a) all previous uses;
  - b) potential contaminants associated with those uses;
  - c) a conceptual model of the site indicating sources, pathways and receptors; and
  - d) potentially unacceptable risks arising from contamination at the site.

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

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by,

unacceptable levels of water pollution in line with paragraph 109 of the NPPF and policy EQ7 of the South Somerset Local Plan.

06. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

The submitted CEMP must include safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Reason: To prevent pollution of the water environment and to accord policy EQ7 of the South Somerset Local Plan and NPPF.

07. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and climate change adaptation and to accord with policy EQ1 of the South Somerset Local Plan

08. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

09. Construction work shall not begin until a scheme for protecting the proposed noise-sensitive development from noise from the nearby



business unit has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the noise-sensitive development(s) is occupied.

Authorities should give applicants guidance on the maximum noise levels to be permitted within or around the noise-sensitive development so as to provide precise guidelines for the scheme to be permitted.

A noise survey utilising BS4142:2014 should be undertaken.

Reason: To protect those living in the dwellings from traffic or other external noise sources, in accordance with policy EQ2 of the South Somerset Local Plan.

10. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared in-writing and submitted to the Council for their approval. Upon approval in writing by the Council, the scheme of tree and hedgerow protection measures (specifically any required ground-protection, fencing and signage) shall be installed and made ready for inspection. Prior to commencement of the development, the suitability of the tree and hedgerow protection measures shall be confirmed in-writing by a representative of the Council (to arrange, please contact us at [planning@southsomerset.gov.uk](mailto:planning@southsomerset.gov.uk) or call 01935 462670). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

11. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of

the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

12. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

13. No external artificial lighting associated with the development shall be installed that will illuminate the scattered trees along the southern and eastern boundary.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4. All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity.

14. No vegetation removal works around the site, and the demolition of shed with nesting evidence for wren and house sparrow, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings to be demolished and trees, shrubs and scrub and tall

ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4. Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period, some species can breed outside the time frame given.

15. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather [(limited rain and wind, with temperatures of 10°C or above)] before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings must be submitted to the Local Planning Authority by the ecologist responsible.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4. Reptile species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

16. Prior to the first occupation of the dwellings hereby approved the following shall be installed/implemented and thereafter retained
  - 4 x Schwegler 2FN bat box, or similar, to be erected on the proposed new dwellings (4 separate houses) or any suitable trees on site. This should be installed facing a southerly direction approximately 3-5m above ground.
  - 9x Schwegler 17b swift nest boxes, or similar, will be installed under the eaves and away from windows on a north facing elevation of separate dwellings.
  - 9x Schwegler 1SP sparrow terraces, or similar, will be installed under the eaves and away from windows on a north facing elevation of separate dwellings.
  - 1 x bee brick (<https://www.nhbs.com/bee-brick>), or similar, to the southern of western elevation of each separate dwelling.
  - Garden fencing between properties will feature small mammal holes at the base of the fence, keeping to the minimum size of 13x13cm, to allow hedgehogs to move

freely between the new and existing properties.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

17. The proposed access and new footpaths shall be constructed in accordance with details shown on the submitted plan, drawing number 3881-BB-SK-00-SK-A-101-B and shall be available for use before occupation of the dwellings hereby permitted. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

18. The gradient of the proposed access shall not be steeper than 1 in 14. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

19. 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 be submitted to and approved in writing by the Local Planning Authority prior to installation. Once constructed, the system of interception shall be retained in a good state of repair thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

20. The proposed estate roads, footways, street lighting, sewers, drains, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle, and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels,

gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

21. 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 highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

22. At the proposed access there shall be no obstruction to visibility greater than 600mm above adjoining road level within the visibility splays shown on the submitted plan. 3881-BB-SK-00-SK-A-101-B. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

23. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction 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 TA5 of the South Somerset Local Plan 2006-2028

24. Prior to first occupation of the dwellings hereby permitted, a 16amp electric charging point for electric vehicles shall be provided adjacent to the parking spaces for each residential unit. Once installed such electric charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

25. Prior to the occupation of the bungalows, hereby approved, the existing employment unit shall be let or sold as 4 no. individual units and shall not be used other than for those activities which fall within the definition of Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, unless otherwise agreed in writing with the Local Planning

Authority.

Reason: In the interest of residential amenity and to meet an employment need in accordance with policies EQ2 and EP3 of the South Somerset Local Plan 2006-2028.

26. No machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the commercial units outside the hours of 07.30 - 18.30 Monday to Saturday, nor at any time on Sundays, Bank or Public Holidays.

Reason: in the interest of residential amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028

**Informatives:**

01. The foul drainage provisions for the development will require an Environmental Permit to be granted by the Environment Agency if more than 5 cubic metres (5,000 litres) per day is to be discharged. The developer can find further advice here - <https://www.gov.uk/permits-you-need-for-septic-tanks>
02. The site falls within a groundwater Source Protection Zone 2 (SPZ 2). This is a zone of protection surrounding a nearby drinking water borehole, which is vulnerable to pollution. It therefore requires careful protection from contamination. Further information on SPZs can be found at <http://www.environment-agency.gov.uk/homeandleisure/37833.aspx>
03. The EA note that the proposed new housing is approximately 250 metres from an existing Anaerobic Digestion (AD) Plant: an installation the Environment Agency currently regulates. Placing a new community here could result in residents being exposed to noise, dust, pests and in particular odour. The severity of the impact of odour may be significant where it is a large AD site and the proposed development is in a down (prevailing) wind direction from the site. Should planning permission be granted, if the AD operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the installation and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause concern for local residents. Only in very exceptional circumstances would the Environment Agency revoke the operator's Environmental Permit. Therefore we advise you to consider the suitability of the land use for housing development under an appropriate range of weather conditions in relation to the AD site.
04. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate

submitted scheme to discharge the condition, in regard to water efficiency, will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

05. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
06. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).
07. A section 171 licence will be required for the proposed works within or adjacent to the highway, the application form for which is available from the Traffic and Transport Development Group, Somerset County Council: Tel - 01823 356011.
08. The applicant will be required to enter into a suitable legal agreement to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement.

*(Voting: 8 in favour, 2 against, 0 abstentions)*

---

.....  
Chairman