

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held in the **Council Chamber, Council Offices, Brympton Way** on **Wednesday 27 November 2019**.

(2.00 pm - 6.55 pm)

Present:

Members: Councillor Adam Dance (Chairman)

Neil Bloomfield (to 5.50pm)	Clare Paul (to 6.10pm)
Malcolm Cavill	Crispin Raikes
Louise Clarke (to 5.50pm)	Dean Ruddle
Mike Hewitson (to 5.00pm)	Mike Stanton
Tim Kerley	Gerard Tucker
Tiffany Osborne (to 4.45pm)	



Also Present:

Val Keitch

Officers:

Simon Fox	Lead Specialist - Development Management
Sarah Hickey	Senior Planning Lawyer
Colin Begeman	Agency Planner
Colin Arnold	Specialist (Development Management)
Debbie Haines	Locality Team Leader
Richard Birch	Lead Specialist (Communications, Marketing & Media)
Angela Cox	Specialist - Democratic Services
Becky Sanders	Case Officer (Strategy & Commissioning)

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

62. Minutes (Agenda Item 1)

The minutes of the meeting held on 25 September 2019 were approved as a correct record and signed by the Chairman.

63. Apologies for absence (Agenda Item 2)

All members were present at the meeting.

64. Declarations of Interest (Agenda Item 3)

Councillor Neil Bloomfield advised that he had failed to declare his interest at the previous meeting as the Somerset County Councillor for Martock and Chairman of Martock Parish Council. He noted that he also sat on the Avon and Somerset Police and

Crime Panel and was the Chairman of the Martock Neighbourhood Plan Steering Group. He also declared a personal interest in for Agenda Items 13 and 14: Planning Application 19/02646/OUT** and 19/02656/FUL** - Land OS 0002 South of Coat Road, Martock, as a Member of Martock Parish Council who had submitted comments on the applications.

Councillor Dean Ruddle declared a personal interest in for Agenda Item 16: Planning Application 19/02417/FUL - Land Adjacent Ham Lane, Compton Dundon as the Somerset County and District Councillor for that Parish.

Councillor Tim Kerley declared a personal interest in for Agenda Item 16: Planning Application 19/02417/FUL - Land Adjacent Ham Lane, Compton Dundon as the District Councillor for that Parish.

Councillor Louise Clark declared a personal interest in for Agenda Items 13 and 14: Planning Application 19/02646/OUT** and 19/02656/FUL** - Land OS 0002 South of Coat Road, Martock, as she was a Member of Martock Parish Council who had submitted comments on the applications.

Councillor Clare Paul declared a personal interest in Agendas item 15: Planning Application 19/02246/FUL - Ridgeway, Stowey Road, Fivehead for Agenda Items as the Somerset County Councillor for Langport and Curry Rivel.

65. Date of next meeting (Agenda Item 4)

Members noted that the next Area North Committee meeting was scheduled to be held at 2.00pm on Wednesday 18 December 2019 in the Council Chamber, Council Offices, Brympton Way, Yeovil. (This meeting was subsequently cancelled).

66. Public question time (Agenda Item 5)

There were no questions from members of the public present.

67. Chairman's announcements (Agenda Item 6)

There were no announcements from the Chairman.

68. Reports from members (Agenda Item 7)

Councillor Neil Bloomfield advised that following a previous meeting of the Area North and Regulation Committees he had been the subject of a complaint by the applicant which was found not proven but he felt it was relevant to mention.

Councillor Tiffany Osborne requested that Members be given a confidential legal briefing prior to Agenda items 13 and 14: Planning Application 19/02646/OUT** and 19/02656/FUL** - Land OS 0002 South of Coat Road, Martock as they were very similar to a previous application determined by the Committee.

69. Area North - Draft Area Chapter 2020/21 (Agenda Item 8)

The Specialist for Strategic Planning and the Locality Team Leader introduced the report to Members which detailed their Area North priorities for inclusion in the Area Chapter for 2020/21.

There was no debate and Members were content to confirm their agreed priorities for the Area to be presented to District Executive for consideration for inclusion in the Council Plan.

RESOLVED: That members agreed the priorities for the Area to be presented to District Executive for consideration for inclusion in the Council Plan.

(Voting: unanimous in favour)

70. Area North Committee Forward Plan (Agenda Item 9)

Members were content to note the contents of the Forward Plan.

RESOLVED: That the Area North Forward Plan be noted.

71. Planning Appeals (Agenda Item 10)

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

72. Schedule of Planning Applications to be Determined By Committee (Agenda Item 11)

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

73. Planning Application 19/02646/OUT - Land OS 0002 South of Coat Road, Martock (Agenda Item 12)**

Application Proposal: Outline application for the erection of 120 dwellings together with associated infrastructure.

Prior to the commencement of this item, the Committee resolved to receive a confidential briefing from the Senior Planning Lawyer.

The Agency Planning Officer advised that there were two planning applications to be determined at the same site. The first was an outline application for 120 houses with details to be confirmed at the Reserved Matters stage and the second was a full application. He noted that since writing his report, the on-line petition in opposition to the applications had attracted a further 7 signatures and now totalled 428. Ash Parish Council had also objected to the increased traffic and Martock Parish Council had commissioned a highway consultant, SLR, to provide a transport assessment review of

the applicant's transport assessment which concluded the sustainability of the site was not optimised due to a lack of pedestrian links from the site. The Highway Authority were invited to comment on the findings of the report but declined to comment further. They had not raised any objections to the proposed development.

The Agency Planning Officer advised that the applicant had increased the overall number of car parking spaces at the site by 41 to 311 spaces in total. The proposal included a play area, attenuation ponds, underground tanks, landscaping, informal spaces and a range of dwellings. The applicant had provided information to the Local Flood Authority to enable Wessex Water to adopt the site and the attenuation ponds by a management company. He concluded that the key considerations were the principle of development and the access. Because a previous application for 95 homes was approved for the site, the principle of development was accepted at the site. Martock was identified as a rural centre in the Local Plan and therefore suitable for growth. A strategic plan target of 230 dwellings was proposed over the plan period and agreeing the application would take the number 115 over that target. Despite the increase in numbers, it was not considered unacceptable for being a sole reason for refusing the application. He concluded that the harm was not so significant to outweigh the benefits of the development and so the recommendation was to approve the application.

The Committee were addressed by a representative of Ash Parish Council, a representative of the highway consultants engaged by Martock Parish Council, the Chairman of the Youth Parish Council, the Vice Chairman of Martock Parish Council and 6 local residents in opposition to the application. Their comments included:-

- The services used by the proposed development will be in Yeovil and the most direct route for residents would be through Ash which was 1 lane wide down the main road.
- The road through Ash was already carrying more traffic than ever perceived.
- The applicant's transport assessment did not optimise accessibility from the site, particularly pedestrian and cycle links to the village.
- Development was welcomed in Martock on the right site. The applicants had held a public consultation but had taken no notice of public concerns or suggestions.
- Martock was less than 10 dwellings short of its Local Plan target.
- The Environment Agency had acknowledged that their flood maps did not include a complete map of the area and the site will not be safe from flooding for its lifetime. A more reliable flood risk assessment was required.
- The proposed development would exceed the Local Plan housing target for Martock by 48% with 8 years remaining in the life of the Plan.
- There is insufficient local employment, insufficient GP's, the local school was at capacity as was local traffic through the village. Most residents commuted out of the village to work.
- The additional houses would impact on the environment as the consumption of gas, water and electricity would increase. It would also impact on local wildlife. Trees should be planted not houses.
- The statutory NHS consultee, based in Bristol, did not contact the local surgery, CCG or Symphony and did not submit any comment on the application. Martock GP surgery had 3 GP's at one point for 10,000 patients and an additional 300 patients would impact even further on their service.
- The small business units in Martock are full so residents from the new development would have to seek employment elsewhere so increasing car journeys. Public transport was limited from the village

- The application was the same as that rejected by the Regulation Committee on 16 July. On whose authority was legal advice sought on that decision?

The Senior Planning Lawyer clarified that specialist legal advice had been sought on the reasons for refusal of the previous application following the Regulation Committee decision in July and it was normal practice to do this when there was the likelihood of an appeal against a decision. Advice was sought on the strength of the Council's case at appeal and that advice was presented to the Regulation Committee in a confidential meeting. It was not unusual for a developer to twin-track a planning application. It was for the Committee to determine the application in line with planning policies.

The Agent for the applicant said that following the previous application, they had tried to overcome the reasons for refusal. The site was allocated in the emerging Local Plan, the access arrangements were not objected to, the transport review conducted by Martock PC provided clarity and the site would provide 35% affordable housing.

One of the Ward Members, Councillor Louise Clarke, said education was an issue in the village and the 93 houses already given permission in the village would fill the proposed additional classroom at the school.

The other Ward Member, Councillor Neil Bloomfield, said there was some crossover between the figures in the adopted Local Plan and the emerging Local Plan. Martock now had a Neighbourhood Plan which had not been mentioned in the report. He said a further 45 social houses would impact on the community services provided by the Parish Council and Martock was already within 10 dwellings of the allocated housing in the emerging Local Plan. He referred to carbon efficiencies at the site and the lack of consideration for flooding issues. He felt the application was not materially different other than the additional car parking spaces.

During discussion, varying views were expressed. Members expressed frustration at developers securing planning permissions and then not building the houses. It was also mentioned that the lack of genuine reasons to refuse the application was partly the fault of the National Planning Policy Framework. Reference was also made to the recently declared Climate Emergency, the impact on local infrastructure and that the village had changed since the permission granted 4 years previously.

It was proposed and seconded to refuse the application because the proposal for 120 dwellings would take the level of growth for Martock to 335 dwellings over the plan period. This would represent a scale of growth which was 48% over the indicative target for the Rural Centre, and also the development was considered unsustainable.

This proposal was put to the vote and carried by 7 votes in favour, 4 against and 0 abstentions.

RESOLVED: That planning application 19/02646/OUT be REFUSED permission, contrary to the officer's recommendation, for the following reasons:

1. The proposal for 120 dwellings would take the level of growth for Martock to 335 dwellings over the plan period. This would represent a scale of growth which is 48% over the indicative target for this Rural Centre as set out in Policy SS5 of the South Somerset Local Plan (2006-2028). As such, the development would be a significant increase over that envisaged in Policy SS5 and would be contrary to

the intended growth strategy and settlement strategy and therefore contrary to Policies SD1, SS1 and SS5 of the South Somerset Local Plan (2006-2028).

2. The development is considered unsustainable by reason of:
 - a) Martock's lack of self-containment, leading to 80% out-commuting and
 - b) the failure to ensure that carbon dioxide emissions are minimised through construction techniques, especially considering the Council's declared Climate Emergency, contrary to the aims and objectives of the National Planning Policy Framework and Policy EQ1 of the South Somerset Local Plan (2006-2028).

(Voting: 7 in favour, 4 against, 0 abstentions)

NB: As the application is two-starred and Area North Committee has resolved to refuse the application, it will now be referred to the Council's Regulation Committee for determination.

74. Planning Application 19/02656/FUL - Land OS 0002 South of Coat Road, Martock (Agenda Item 13)**

Application Proposal: The erection of 120 dwellings together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping (Re-Submission)

The Agency Planning Officer advised that this was the full planning application version of the previously discussed application at the same site. He drew Members attention to the plan detailing the additional parking proposed, the house types and the variety of materials to be used across the site. He confirmed that his recommendation was to approve the application.

The Committee were then addressed by 5 local residents in opposition to the proposed development. Their comments included:-

- The officer's report did not list all of the public objections to the application, for example, proximity to existing residents, wheelchair access, impact on Station Road, visitor spaces near play area, inadequate junction onto A303 and, lack of local employment.
- The houses should be designed to incorporate the maximum sustainable energy and carbon offset possible.
- The last traffic survey on Coat Road indicated an 18% increase in traffic, the local bus service was not attractive and more thought should be given to pedestrian and cycle links.
- There is only 15.5m distance between the windows of the proposed houses and my property in Hills Orchard which is a contravention of planning guidance.
- The balance of housing needed to be addressed as an Estate Agent survey showed that smaller houses were in demand.

The Agent for the applicant advised that the proposed photovoltaic panels would achieve the 15% carbon reduction, although, there was no quantifiable policy used by nearby

local authorities as a benchmark. He reminded Members that the County Highway Authority had not objected to the application and the majority of the housing proposed would be 2 or 3 bedroom.

One of the Ward Members, Councillor Louise Clarke, said the additional car parking spaces proposed were a small part of the application and its lack of sustainability and environmental issues were the main reasons it should be refused permission.

The other Ward Member, Councillor Neil Bloomfield, questioned whether some of the properties would be 2 ½ storeys high and listed carbon reduction, additional cars, lack of sustainability and the lack of GP's in the village as reasons to refuse the application.

In response to questions from Members, the Lead Specialist for Development Management advised that the windows proposed to overlook properties in Hills Orchard were not principle windows and were side windows to the proposed properties therefore the shorter distance was allowed.

During a short debate Members proposed that the application be refused for the same reasons as the previous outline application.

It was proposed and seconded to refuse the application because the proposal for 120 dwellings would take the level of growth for Martock to 335 dwellings over the plan period. This would represent a scale of growth which was 48% over the indicative target for the Rural Centre, and also the development was considered unsustainable.

This proposal was put to the vote and carried by 6 votes in favour, 4 against and 0 abstentions.

RESOLVED: That planning application 29/02656/FUL be REFUSED permission contrary to the officer's recommendation for the following reasons:

1. The proposal for 120 dwellings would take the level of growth for Martock to 335 dwellings over the plan period. This would represent a scale of growth which is 48% over the indicative target for this Rural Centre as set out in Policy SS5 of the South Somerset Local Plan (2006-2028). As such, the development would be a significant increase over that envisaged in Policy SS5 and would be contrary to the intended growth strategy and settlement strategy and therefore contrary to Policies SD1, SS1 and SS5 of the South Somerset Local Plan (2006-2028).
2. The development is considered unsustainable by reason of:
 - a) Martock's lack of self-containment, leading to 80% out-commuting and
 - b) the failure to ensure that carbon dioxide emissions are minimised through construction techniques, especially considering the Council's declared Climate Emergency, contrary to the aims and objectives of the National Planning Policy Framework and Policy EQ1 of the South Somerset Local Plan (2006-2028).

(Voting: 6 in favour, 4 against, 0 abstentions)

NB: As the application is two-starred and Area North Committee has resolved to refuse the application, it will now be referred to the Council's Regulation Committee for determination.

75. Planning Application 19/02246/FUL - Ridgeway, Stowey Road, Fivehead (Agenda Item 14)

Application Proposal: The change of use of premises from Use Class C3 (residential dwelling) to Use Class D1 (independent day school for 26 young people) including the erection of 3 new classroom units.

The Specialist (Development Management) presented the application, and explained that the proposal was for a school for autistic children which would consist of five classrooms. He highlighted the parking provision, the estimated additional traffic movements generated by the proposal, and noted the key considerations. The officer recommendation was for approval of the application.

Four updates to the report since the agenda had been published were provided in the officer presentation including:

- A further 8 letters of objection (making a total of 47) had been received repeating objections already outlined in the report – mainly highways issues and the suitability of the site as a whole.
- County Highways had confirmed there was no requirement for a travel plan as the scheme was under the threshold for a travel plan
- The parking provision had been amended from the 19 reported up to 21 car parking spaces including 3 disabled parking spaces, an additional mini-bus space plus cycle storage area. Still no requirement for a travel plan and no highways objection.
- Due to the above the reference number of the block plan in condition 8 should be referenced 3A.

A representative of Fivehead Parish Council, a member of the public speaking on behalf of a large group of residents, plus four other members of the public spoke in objection to the proposal. Some of their comments included:

- Feel the residual impact of traffic through the village has not been considered, only that directly entering and leaving the application site.
- Concern about the visibility splay due to the hedge and it being in different ownership, and also the access onto the lane is located within the national speed limit.
- There is no curriculum or pastoral need for this school in this location, and many of the pupils will be taxied in.
- There have been many accidents in Fivehead but most not reported by Highways as there have been no injuries.
- More parking spaces would probably be needed for staff parking etc.
- Concerns about traffic. Long history of traffic issues in the village, many lanes are single track and very narrow in places, and there are many sections without a pavement.
- The junctions with the A378 are dangerous – and this has been previously stated by a Planning Inspector regarding another application in the area.
- The bus stop is located further away than stated by the officer.

- Traffic monitoring in the area shows that around 80% of drivers exceed the speed limit.
- No habitat or environmental impact surveys have been done for this proposal, and other local surveys have indicated protected species nearby.
- Two historical buildings were nearby

The agent then addressed members and commented that the officer report was comprehensive. She reminded members that a letter had been circulated providing an update on highway concerns. Statutory consultees, including Highways, had not raised any objections. The proposal would be a specialist school, and there were already local children who having been referred for a special facility, were awaiting for one to be delivered.

Ward member, Councillor Malcolm Cavill, referred to Stowey Road and that it had very little pavement, was well used and was a promoted cycle route. Applicants say pupils will be from the surround the area, but there is a poor bus service and so the majority of staff and pupils would likely travel by car or taxi. He noted that the traffic survey had been completed in July and hence was unlikely to have included school related movements. The visibility exiting Ridgeway towards Fivehead was poor, and in his opinion if the proposal had been for a new dwelling the sustainability would have been challenged.

During a brief discussion mixed views were expressed. One member noted that Highways couldn't be expected to know the complexities of traffic issues in every village. Another member noted that most concerns raised were about highways but The Highway Authority had not raised any objection.

It was initially proposed to approve the application as per the officer recommendation, however this was not carried with 5 votes for and 6 against (the Chairman used his vote against the proposal).

It was then subsequently proposed to refuse the application, contrary to the officer recommendation, on the grounds of the impact of the increased traffic and highways safety. In response, the Specialist (Development Management) suggested the specific wording of the reasons for refusal, and these were accepted by members prior to taking a vote. A vote was taken on the proposal to refuse the application, which was carried 6 votes in favour, 3 against with 0 abstentions.

RESOLVED: That planning application 19/02246/FUL be REFUSED, contrary to the officer recommendation, for the following reasons:

1. The transport implications are such that an unacceptable highway impact would occur on the rural lane network and lead to the increased use of substandard junctions to the A378 contrary to the aims and objectives of the National Planning Policy Framework and Policy TA5 of the South Somerset Local Plan (2006-2028).
2. The proposal also fails to provide safe and convenient access on foot and cycle contrary to the aims and objectives of the National Planning Policy Framework and Policy TA5 of the South Somerset Local Plan (2006-2028).

(Voting: 6 in favour of refusal, 3 against, 0 abstentions)

76. Planning Application 19/02417/FUL - Land Adjacent Ham Lane, Compton Dundon (Agenda Item 15)

Application Proposal: The erection of one dwelling with garage, access and landscape planting.

The Specialist (Development Management) presented the application, and noted that existing buildings to the rear of the proposal site were used as workshops. He highlighted the key considerations, and noted that whilst the proposed dwelling was large it was comparable to nearby properties, and would be built in materials in keeping with the local area.

He updated members that a further letter of objection had been received since the agenda had been published, raising no new issues other than those already outlined in the report.

A representative for Compton Dundon Parish Council and two members of the public spoke in objection to the application. Some of their comments included:

- The overall height of the building is considered to be severely out of character with the neighbouring area.
- Might be more acceptable if the proposal was 1½ storey to mitigate local concerns.
- Object to two gaps being made in the hedge to access the site. Maintenance of the 100 year old hedge will destroy habitats.
- Query the order of the applications on the agenda.
- Site and position of the proposed dwelling will be overbearing, especially to the dwelling opposite. Concerned about over-looking.

A member of the public and the agent then addressed members in support of the application. Some of their comments included:

- Communities were often thinking about how to bring land forward in their villages to enable someone to build a house and continue living in their area or property.
- There were two separate applications for this and the neighbouring sites, as there were two different applicants and the sites were in different ownership.
- The applicant wanted to build a home for the specific needs of his own family to live in instead of renting.
- Survey showed there would be no impact on ecology. The proposal would not be overbearing and highways did not object to the access.

Ward member, Councillor Tim Kerley, shared the concerns raised about the overbearing nature on Rose Cottage.

Fellow ward member, Councillor Dean Ruddle, acknowledged that this and the following application, although separate applications, were linked. He felt there was a fine balance and normally he would not have called in an application such as this to the committee.

In response to comments made, the Senior Planning Lawyer clarified that this, and the following application on the agenda, were each judged on their own merits. If the first application was approved, the committee were not bound to approve the other, and vice-versa.

A member commented that the aerial photographs showed that the site was already partly developed as structures were clearly visible on the site.

There being no further discussion, it was proposed to approve the application as per the officer recommendation, and on being put to the vote was carried 5 votes in favour and 1 against.

RESOLVED: That planning application 19/02417/FUL be APPROVED, as per the officer recommendation, subject to the following:

Justification:

01. The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local 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:

Main drawing refs: 2641A-DR-A-050-

002 - Site Plan
003 - Ground floor plan
004 - First floor plan
005 - SW and NW Elevations
006 - NE and SE Elevations
007 - Location Plan

Site Survey job no. 7880 (x3)

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

03. The area allocated for parking on the submitted plan number 2641A - DR-A-050-002-Site Plan shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

04. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the development is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

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 vehicular access and extending to points on the nearside carriageway edge 43 metres in both directions. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

06. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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 by the ecologist

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan.

07. Badgers could be encountered during and post development. Appropriate impact avoidance and briefing of contractors and information for home occupiers should be provided as per the following conditions:

- 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 of 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 compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference and in accordance with Policy EQ4 of the South Somerset District Local Plan.

08. Potential resting places for reptiles were found on site in the form of log piles and other material, as such:

- Any features, such as the spoil pile on the western edge of the site, which potentially afford resting places for reptiles and/or amphibians will be dismantled by hand, piles should be removed from the site in phases; beginning from the centre of the pile moving slowly outwards to give any protected species present time to disperse away and to avoid being isolated from ecological corridors that will provide a means of escape.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

09. The entrance gate(s) shall be set back a minimum distance of five metres from the edge of the adjoining carriageway and the sides of the access shall be splayed from the centre of the access at such distance from the carriageway edge at an angle of 45 degrees. These works shall be fully implemented before the access concerned is first brought into use.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

10. The development hereby permitted shall not be commenced until the surfacing materials of the access drive and turning and parking areas have been approved in writing by the Local Planning Authority and such areas properly drained, consolidated and surfaced in accordance with those approved details.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan.

Informatives:

01. 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 .

02. The SSDC Highway consultant advises:

A S.184 license will be required from SCC to form the entrance

(Voting: 5 in favour, 1 against, 0 abstentions)

77. Planning Application 19/01598/FUL - Land Adjacent Ham Lane, Compton Dundon (Agenda Item 16)

Application Proposal: The erection of seven dwellings with access and landscape planting provision

The Specialist (Development Management) presented the application as detailed in the agenda, and noted that the site was opposite a listed building known as Walnut Tree Cottage. He explained a mixture of materials were proposed and the officer opinion was that the proposal was of a good design. He highlighted the key considerations for the application and referred to the comments of the Conservation Officer in one of the presentation slides.

Local concerns raised about the impact on the nearby historical building were acknowledged. He explained that concerns had also been raised about materials and so if members were minded to approve the application, he recommended an additional condition (13) for materials and that they should reflect the local setting. He also informed members that another additional condition (14) was recommended in order to secure the footpath to the village hall and require it to be complete and available for use prior to occupation of 50% of the dwellings. The officer recommendation was for approval of the application.

A representative for Compton Dundon Parish Council and four members of the public spoke in objection to the application. Some of their comments included:

- Concern about the size of the proposed housing as it's not what's needed in the local area. Need low-rise housing and smaller homes.
- The average age of village residents is rising. Many people live alone and others have moved out of the area as they have been unable to downsize and stay in the village.
- 40 potential homes had been approved for development in the village but not yet occupied.
- Applicants engaged very little with the parish council, and has not demonstrated a need for these homes.
- The applicants have made no offer to expand community space at the village hall or upgrade church path opposite the site rather than construct a new path.

- Concern the village could become over-developed or the proposed dwellings unsaleable.
- Proposal will be totally out of character to nearby dwellings.
- Concerned about the impact on the heritage setting of Walnut Tree Cottage. There has never been a hedge in front of the cottage and the tree shown in the photographs in the presentation was felled about ten years ago.

Three members of the public and the agent then addressed members in support of the application. Some of their comments included:

- Farming was changing dramatically and small pockets of land had been created that were too small to be productively farmed in modern ways.
- It's a small development that won't overwhelm the village.
- Proposal will smarten the site up.
- No one owns a view.
- Site can offer effective connection to the village hall and meets criteria of policy SS2.
- Will provide a well designed development that respects the local area.
- Wildlife survey indicates no detrimental impact on ecology.
- The proposal accords with local and national policy.

Ward member, Councillor Tim Kerley, commented it was unfortunate that the applicant had not engaged fully with the parish council. He had concerns about how the proposal sat within the wider landscape and felt that if there was a mix of roofing tiles it might be more acceptable. He noted solutions to address local concerns had been suggested by the community but no action had been taken by the applicant. He did not support the application.

Fellow ward member, Councillor Dean Ruddle, was of the opinion the proposal was building in the open countryside and not infill development. He concurred that it was disappointing the developer had not come forward to speak with the local community to mitigate concerns. He noted it was a fine balance, but felt it would be detrimental to the area, and no evidence of need had been provided.

During a brief discussion, varying views were raised including:

- Concerns about the impact.
- Feels like building in the open countryside.
- Opportunity for the site to be starter or retirement homes given location to facilities and bus stop.
- Disagree it's open countryside when there's housing opposite and around the corner.

In response to a question raised during discussion, the Lead Specialist (Planning) clarified that while bungalows may be more acceptable to the community, the committee could not redesign the application. He noted the agent was present and had heard the concerns raised.

It was proposed to approve the application, as per the officer recommendation, including the two additional conditions as detailed in the officer presentation. On being put to the vote the proposal was carried 4 in favour, 3 against (the Chairman used his vote in favour of the proposal).

RESOLVED: That planning application 19/01598/FUL be APPROVED, as per the officer recommendation, and subject to the following:

Justification

The proposal by reason of its size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local 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:

2641 - PL - 3, 4, 5....39, 40 and 41 - Plots 1-7 Garage, Roof, Floor and Elevation Plans
2641 - PL - 42 - Indicative Street Scene
Extended Habitat Survey (April 2019) Country Contracts
RMA - C1961-1 - Compton Dundon Drainage Strategy
2641 - PL - 02 Rev B Site Plan
2641 - PL - 01 Location Plan

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

03. The area allocated for parking on the submitted plan number 2641-PL-02 rev A shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

04. The proposed roads, footways, footpaths, tactile paving, cycleways, 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 highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

05. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the development is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

06. 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 vehicular access and extending to points on the nearside carriageway edge 43 metres in both directions. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

07. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 1.5 metres back from the carriageway edge on the centre line of the pedestrian access and extending to points on the nearside carriageway edge 43 metres in both directions. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset District Local Plan 2006-2028

08. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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 by the ecologist

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan.

09. Badgers could be encountered during and post development. Appropriate impact avoidance and briefing of contractors and information for home occupiers should be provided as per the following conditions:

- 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 of 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 compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference and in accordance with Policy EQ4 of the South Somerset District Local Plan.

10. Potential resting places for reptiles were found on site in the form of log piles and other material, as such:

- Any features, such as the spoil pile on the western edge of the site, which potentially afford resting places for reptiles and/or amphibians will be dismantled by hand, piles should be removed from the site in phases; beginning from the centre of the pile moving slowly outwards to give any protected species present time to disperse away and to avoid being isolated from ecological corridors that will provide a means of escape.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

11. Prior to the commencement of development a landscape plan shall be submitted to and approved by the LPA (and discharged through reviewing photographs of installed enhancements):

- 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 planting must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The planting 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" 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;
- At least four integrated bee bricks (<https://www.nhbs.com/bee-brick>) must be built into the external wall space of the new buildings. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes.
- A precautionary approach to the formation of the visibility splay and site access points is recommended. A Method Statement to minimise potential impact on wildlife when removing the roadside ditch and hedgerow section must be produced to inform and manage such works. The resulting method statement should be sent to South Somerset District Council prior to the commencement of works on site.
- To enhance the local provision for bat roost sites at least four bat roost boxes, tubes or shelters must be installed on the new residences.
- To compensate for the loss of potential nest sites at least 4 hole fronted bird nest boxes should be provided within the development.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

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 and in accordance with Policy EQ2 of the South Somerset District Local Plan.

13. No approval is granted for the submitted building materials - revised details shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Details shall include:
- Wall materials: Natural lias and ham stone with limited render
 - Roof: Natural slate or clay tiles
 - Windows & doors: Timber or at least re-constituted timber
 - Window and fascia colours: An off-white or other soft colour would be preferred
 - Black metal rainwater goods.

Reason: In the interests of visual amenity and to preserve the historic character of the street scene in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

14. The proposed footpath to the village hall as shown on the plan refs. 2641 – PL-02 rev B and 2614 – PL-01 shall be implemented in accordance with a specification that shall have been first agreed in writing with the Local Planning Authority and shall be fully complete and available for use prior to the occupation of 50% of the approved dwellings. The footpath will be retained and maintained in perpetuity thereafter.

Reason: To ensure that the footpath is provided in a timely manner and in accordance with Policy SS2 of the South Somerset Local Plan (2006-2028).

Informatives:

01. 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.

02. Somerset County Council advises:

Filling of Existing Watercourses

In 2010 Somerset County Council became the Lead Local Flood Authority (LLFA). In the same year the Flood and Water Management Team (FWMT) was formed to satisfy the duties of the Flood and Water Management Act 2010.

Under section 23 of the Land Drainage Act there is a requirement to seek consent from the Flood Risk Management Authorities when culverting or obstructing a watercourse, whether permanent or temporary.

Failure to obtain a Land Drainage Consent prior to carrying out the works may result in a fine up to £5,000, and a further fine of up to £40 for every day thereafter until consent is granted.

It is important to note that under no circumstances will retrospective consent be given for unconsented works. If unconsented drainage works have occurred, the developer will be responsible for restoring the watercourse to its original condition.

Land Drainage consent forms can be downloaded from:
www.somerset.gov.uk/consent .

For further information regarding the application form please contact Didier Lebrun from the flood risk management team on 01823 356692 or email: JLebrun@somerset.gov.uk

(Voting: 4 in favour, 3 against)

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Chairman