

## South Somerset District Council

Minutes of a meeting of the **Area West Committee** held at **The Guildhall, Chard** on **Wednesday 18 September 2019**.

(5.30 - 6.32 pm)

**Present:**

**Members:** Councillor Jason Baker (Chairman)

Mike Best	Sue Osborne
Dave Bulmer	Robin Pailthorpe
Martin Carnell	Garry Shortland
Brian Hamilton	Anthony Vaughan
Val Keitch	Linda Vijeh
Paul Maxwell	Martin Wale



**Officers:**

Jo Morris	Case Officer (Strategy & Commissioning)
Louisa Brown	Specialist (Development Management)
Adrian Moore	Locality Officer
Tim Cook	Locality Team Manager

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

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**203. To approve as a correct record the Minutes of the Meeting held on 21st August 2019 (Agenda Item 1)**

The minutes of the previous meeting held on 21<sup>st</sup> August 2019 were approved as a correct record and signed by the Chairman.

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**204. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Ben Hodgson, Jenny Kenton, Paul Maxwell and Tricia O'Brien.

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**205. Declarations of Interest (Agenda Item 3)**

Councillor Val Keitch declared a personal interest in Planning Application No. 18/03454/OUT – Land Adj Winterhay Lane Farm, The Beacon, Ilminster, as ward member.

**206. Date and Venue for Next Meeting (Agenda Item 4)**

Members noted that the next scheduled meeting of the Area West Committee would be held on Wednesday 16<sup>th</sup> October at 5.30pm at The Guildhall, Chard.

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**207. Public Question Time (Agenda Item 5)**

There were no questions raised by members of the public.

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**208. Chairman's Announcements (Agenda Item 6)**

Members were advised that there was a possibility of an extra Area West Committee meeting being held in October due to the high volume of planning applications expected to come forward.

Members were reminded that there was an IT Support Surgery being held on Thursday 19<sup>th</sup> September at 5.00pm in the Council Chamber.

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**209. Community Grant to Merriott Village Hall (Executive Decision) (Agenda Item 7)**

This item was withdrawn from the agenda and would be considered at a future meeting.

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**210. Area West Committee Forward Plan (Agenda Item 8)**

The Locality Manager advised that the Historic Buildings at Risk report would not be coming forward.

Cllr. Val Keitch said that she would check with Ilminster Forum as to whether they still require a council representative.

Members congratulated officers on their successful bid to the Historic England High Streets Heritage Action Zone fund.

**RESOLVED:** That the Area West Committee Forward Plan be noted.

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**211. Planning Appeals (Agenda Item 9)**

Members noted the report detailing one planning appeal received and four dismissed.

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**212. Schedule of Planning Applications to be Determined by Committee (Agenda Item 10)**

Members noted the schedule of planning applications to be determined by the Committee.

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**213. Planning Application 18/03454/OUT - Land Adj Winterhay Lane Farm, The Beacon, Ilminster (Agenda Item 11)**

***Proposal: Outline application for the erection of two dwellings with garaging***

The Specialist – Development Management presented her report. She reminded members that the application had been deferred at the July Area West Committee meeting to allow for additional information to be submitted regarding the access arrangements. Members were shown an indicative layout of where the proposed dwellings would be located, the type of dwellings that could fit into the landscape including indicative planting which would be agreed as part of the reserved matters application. Plans were also shown illustrating the indicative levels of the site, the driveway and parking area. The Specialist – Development Management pointed out the access point and confirmed that a gradient of 1:10 was achievable. The visibility splays required along the access points were also highlighted. She referred to the key considerations which were visual amenity, highway safety and landscape impact and advised that the application had received one letter of representation, seven letters of support and four letters of objection and that the town council recommended approval.

The Specialist – Development Management updated that County Highways had referred to standing advice in respect of the amended plans and that one additional letter had been received from a previous objector seeking a number of conditions in relation to burning material on site, operational hours, limiting of noise levels, restriction to deliveries, drains and footpath and highway to be kept clear. In referring to the landscape and visual amenity, she explained that the site was identified in the Landscape Capacity for Ilminster as having a low capacity to accommodate built development. She also referred to the submitted Landscape Statement and highlighted that advice had been consistent for this site and other sites to the south over the adverse impact on the landscape character and character of the area.

With regard to highways, members were informed that additional plans and a transport statement had been submitted to show that the access could meet the requirements of standing advice. She confirmed that the visibility splays, trip generations to the site, gradient and access width were considered acceptable.

The Specialist – Development Management confirmed that her reasons for refusal under highway grounds were to be omitted from her report. She concluded that as the adverse impact on the landscape character and character of the area outweighed the harm her recommendation for refusal of the application on landscape grounds remained.

In response to questions from Members, the Specialist – Development Management confirmed:

- The Landscape Capacity Study was carried out by SSDC Planning Policy as part of the Housing Options report.
- The plans were only indicative of how the layout could look. The layout, landscaping, scale and design would be assessed at the reserved matters stage.
- The access width was achievable and could be conditioned.
- Ilminster Parish Council recommended approval of the application. No comments had been received in response to the amended plans.
- The road to lower farm was not part of the application.
- The site was not covered by any designations.

Cllr. Val Keitch confirmed that in response to amended plans, Ilminster Town Council continued to recommend approval of the application.

The Committee was addressed by two members of the public. Comments made related to the following:

- Ilminster was historically a town of hill and vale development.
- The development would be select with only two dwellings on the plot with stunning views.
- The proposed dwellings would fit in with the surrounding area.
- The landscape could be conditioned along the road with lots of planting.
- The application now accorded with highway standards.

Cllr. Val Keitch, Ward Member reminded members that she had supported the original application and continued to support the proposed development with the highway conditions removed. She felt that the proposed development would enhance the area with two very substantial well designed houses.

Cllr. Brian Hamilton, Ward Member commented that his main concerns related to highway safety but as these issues had now been resolved he was content to support the application. He did not feel that the proposed development would impact severely on the area.

During a brief discussion, a member expressed her support for the application and commented that there were no reasons to refuse the application. The site was not located within a conservation area and had no designations. She felt that the proposed development would be landscaped carefully to minimise the harm.

It was proposed and seconded to approve the application contrary to the Specialist – Development Management’s recommendation.

The Specialist – Development Management suggested the reason for approval based on the discussion and conditions as follows:

- Time Limit
- Reserved Matters
- Appearance of buildings, landscaping, layout, scale and levels
- Approved plans
- Visibility splays
- Entrance gates
- Gradient of the access
- Surface water
- Electric charging point
- Ecology
- Lighting
- Protection of trees
- Vegetation removal
- Restrictions during construction
- No burning of materials
- Informatives
- CIL

Members agreed with the suggested reason for approval and the proposed conditions. A vote was taken and the application was unanimously approved.

**RESOLVED:** That Planning Application No. 18/03454/OUT be APPROVED contrary to the Specialist – Development Management’s recommendation for the following reason:

The proposed residential development of 2 no. dwellings is considered to be acceptable in this location and contributes to housing provision and growth in a primary market town, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to visual amenity, landscape character, residential amenity, ecology or highway safety, in accordance with policies SD1, SS1, SS4, SS5, EQ2, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework.

Conditions:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. Approval of the details of the appearance of the buildings, the landscaping of the site, Layout, Scale and levels (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. Other than as required by Reserved Matters and planning conditions the development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing no. PNR2DOLP1 received 23 October 2018

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

05. Before the dwellings hereby permitted are first occupied, the vehicular access shall be widened to 5 metres for the first 6 metres and this area shall be properly consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to and approved

in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

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

06. Any entrance gates shall be hung to open inwards only and thereafter shall be maintained in that condition at all times.

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

07. Before the dwellings hereby permitted our first occupied the visibility splays shown on the approved drawing SK01 shall be fully provided, with no obstruction to visibility within those splays greater than 600mm above adjoining road level, 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.

08. The gradient of the access way shall not at any point be steeper than 1 in 10 for a distance of 6 metres from its junction with the public highway. This part of the access shall be maintained at that gradient thereafter at all times.

Reason: In the interests of highway safety further to 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, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation of the dwellings hereby permitted and thereafter maintained at all times.

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

10. 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 or within any garages in association with the development. 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.

11. Prior to occupation, a lighting design for bats shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including

through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with Guidance Note 8: Bats and Artificial Lighting (Institute of Lighting Professionals and Bat Conservation Trust, 2018) and with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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 and in the interest of South Somerset District Council Local Plan - Policy EQ4 Biodiversity

12. All trees that are to be removed will be re-surveyed by a qualified ecologist prior to their removal, this will include a visual inspection and if deemed necessary an emergence survey. (Emergence surveys can only be carried out between May and September, when bats are active).

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 and in the interest of South Somerset District Council Local Plan - Policy EQ4 Biodiversity

13. No vegetation removal 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 trees, shrubs and scrub and tall ruderal vegetation to be cleared or managed 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, and in the interest of South Somerset District Council Local Plan - Policy EQ4 Biodiversity

14. Any vegetation within the construction area, including scrub, shrubs, tall ruderal herbs and tall grassland, should be initially hand-trimmed down to a height of 10cm above ground level. Additionally, any brash piles or cuttings should be removed from the site in phases; beginning from the centre of the field moving slowly outwards to give any protected species present within the grassland areas time to disperse away from the clearance team and to avoid being isolated from ecological corridors that will provide a means of escape.

Clearance can occur at a maximum rate of 2ha per day, immediately followed by a 48 hour dispersal period which will occur during warm suitable weather (limited rain and wind, with temperatures of 10°C or above) to encourage any protected species that may be present in the vegetation to disperse to the surrounding habitats. After the 48 hour dispersal period, a further 2ha will then be cleared. This process will then be repeated until the site clearance is completed. Any features such as rubble piles or log piles should be carefully dismantled by hand to allow any reptiles present to disperse.

Reason: This pre-commencement condition must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the presence of legally protected species, and in the interest of South Somerset District Council Local Plan - Policy EQ4 Biodiversity

15. 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.

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 and in the interest of South Somerset District Council Local Plan - Policy EQ4 Biodiversity

16. All trees and hedgerow to be retained will be protected during construction by the establishment of Root Protection Areas in accordance with BS 5837:2012. A 2m buffer will be established, marked by Heras fencing erected prior to works commencing. No materials or plant should be allowed within the buffer zone.

Reason: In accordance with BS 5837:2012, NPPF 2018 and UK Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018

17. All clearance work, construction work and deliveries shall be limited to the following hours:

Monday - Friday 08.00 - 18.00

Saturday 08.00 - 14.00

All other times, including Sundays, Bank and Public Holidays there shall be no clearance work, construction work or deliveries at the site.

Reason: in the interest of residential amenity and to accord with policy EQ2 of the south Somerset local plan (2006-2028)



18. There shall be no burning of materials arising on site during any phase of the site clearance and redevelopment.

Reason: in the interest of residential amenity and to accord with policy EQ2 of the south Somerset local plan (2006-2028)

Informatives:

**Biodiversity enhancements**

The County Ecologist has requested that the following enhancement and compensation measure is captured within the landscape plan, which would form part of the reserved matters, the reason for this is to ensure the proposal meets the requirement within the National Planning Policy Framework 2018 (NPPF)\*, allowing the development to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

\*NPPF 2018 Section "170. 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.

- The hedgerows on the north, east and south boundaries will be retained and managed. Poor quality/gaps will be replaced.
- 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;
  - The boundaries of the proposed gardens will be planted with mixed species native hedgerows and hedgerow trees. A minimum of five species will be used from the following lists:
    - Blackthorn *Prunus spinosa*
    - Common hazel *Corylus avellana*
    - Dog rose *Rosa canina*
    - Dogwood *Cornus sanguinea*
    - Elderflower *Sambucus nigra*
    - Field maple *Acer campestre*
    - Hawthorn *Crataegus monogyna*
    - Guelder rose *Viburnum opulus*
    - Spindle *Euonymus europaea*
    - Wild privet *Ligustrum vulgare*
    - Wild crabapple *Malus sylvestris*
    - Wild plum *Prunus domestica*
- A new orchard will be planted, to the west of the proposed dwellings. Fruit trees will be of a native and of local provenance.
- An integrated bee brick (<https://www.nhbs.com/bee-brick>) must be built into the external wall space each of the new buildings on site. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes. Solitary bees are harmless and do not sting; and
- As an enhancement to the site at least one built in bird nesting box such as a Woodstone built in open nest box will be incorporated into the northeast elevation of each house. The box will be at least

- 3 metres above the ground.
- As an enhancement to the site an lbstock bat brick or Schwegler 1FR bat tube will be built into the southwest elevation of the proposed houses. The box will be at least 3 metres above the ground.
- Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site;

## **CIL**

Please be advised that subsequent full or reserved matters approval 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)

*(Voting: unanimous)*

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Chairman