

South Somerset District Council

Minutes of a meeting of the Area West Committee held at The Guildhall, Chard on Wednesday 20 November 2019.

(4.15 - 8.20 pm)

Present:

Members: Councillor Jason Baker (Chairman)

Mike Best	Paul Maxwell
Dave Bulmer	Tricia O'Brien (from 5.00pm)
Martin Carnell (from 5.00pm)	Robin Pailthorpe
Brian Hamilton (from 5.00pm)	Garry Shortland
Ben Hodgson	Linda Vijeh
Val Keitch	Martin Wale (from 4.20pm)
Jenny Kenton	



Officers:

Jo Morris	Case Officer (Strategy & Commissioning)
Paula Goddard	Specialist - Legal Services
Debbie Haines	Locality Team Leader
Chereen Scott	Specialist (Strategic Planning)
Louisa Brown	Specialist (Development Management)
Simon Fox	Lead Specialist - Development Management
Adrian Moore	Locality Officer
Alex Skidmore	Specialist - Development Management
Colin Begeman	Agency Planner

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

225. To approve as a correct record the Minutes of the Previous Meeting held on 16th October 2019 (Agenda Item 1)

The minutes of the previous meeting held on 16th October 2019 were approved as a correct record and signed by the Chairman.

226. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Sue Osborne and Anthony Vaughan.

227. Declarations of Interest (Agenda Item 3)

Councillor Val Keitch declared a personal interest in Planning Application No. 19/00911/FUL – Land at Boozer Pit. Merriott as the Applicant's daughter was an acquaintance.

Councillor Martin Wale declared a personal interest in Planning Application Nos. 18/04057/OUT** - Land East of Mount Hindrance Farm, Chard and 19/00074/FUL** - Land East of Crimchard, Chard as the ward member for Blackdown & Tatworth and a resident of Wadford.

Councillor Jenny Kenton declared personal interests in Planning Application Nos. 18/04057/OUT** - Land East of Mount Hindrance Farm, Chard and 19/00074/FUL** - Land East of Crimchard, Chard as she lived close to the application sites.

Councillor Martin Carnell declared a personal interest in Planning Application No. 19/01219/FUL as he lived at Nursery Gardens which was adjacent to the application site.

Councillor Dave Bulmer declared a personal interest in Planning Application No. 19/01219/FUL as a member of Chard Town Council.

228. Public Question Time (Agenda Item 4)

There were no questions raised by members of the public.

229. Date and Venue for Next Meeting (Agenda Item 5)

Members noted that the next scheduled meeting of the Area West Committee would be held on Wednesday 12th December 2019 at The Guildhall, Chard.

230. Chairman's Announcements (Agenda Item 6)

The Chairman announced that the December Area West Committee meeting would be a planning only meeting due to the Election being held on 12th December 2019.

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

The Locality Officer introduced the report which asked members to consider the awarding of a grant towards Solar Array and Battery Storage for Merriott Village Hall.

The Committee was addressed by a representative from Merriott Village Hall. He explained that the project was to install solar panels on Merriott Village Hall and that the hall was currently heated by air source heat pumps. Members were informed that the management committee had recently undertaken a project to double glaze the windows and insulate the roof and this project was a further project to make the hall more sustainable and to reduce carbon footprint. The use of the hall in the evening would not coincide with the generation of solar panels therefore batteries would be installed to store the electricity generated during the daytime for use in the evenings. Members were informed that the Village Hall Committee also planned to install car charging points in the future which would generate income for the hall and make it more sustainable financially in the long term.

In response to a question regarding the funding plan, members were informed that unfortunately funding had not been secured from The Bernard Sunley Charitable Foundation and the outcome of other funding would be known within six weeks.

The Ward Member expressed his support for the project and referred to the Council declaring its recognition of a climate change emergency and the development of the Environment Strategy. He said that the hall was extremely well run and well used and hoped that members would support the application.

Members unanimously supported the Officer's recommendation outlined in the report.

RESOLVED: That a grant of £11,500 be awarded to Merriott Village Hall, the grant to be allocated from the Area West capital programme and subject to standard conditions for community grants (Appendix A)

Reason: To award a grant towards the cost of Solar Array and Battery Storage for Merriott Village Hall.

232. Area West - Draft Area Chapter 2020/21 (Agenda Item 8)

The Locality Team Lead introduced the report and explained that members were being asked to agree the priorities that would be included in the Area Chapter for 2020/21. The items included in the Area Chapter would help deliver specific local areas of work and projects. The Area Chapter had been produced from priorities discussed and identified at the Members Workshop held in July.

The Area Chapter would be delivered by the Area + teams and the Locality Team would continue with the work programme to support section 106 facilities and community grants.

Members suggested the following amendments to the key priorities for Area West:

- Removing the word **social isolation** and replace it with **support social inclusion** by maintaining the network of volunteer led health walks and other activities through promotion, training and support.
- It was felt that the priority to develop options to improve community transport links to Crewkerne Station should be made broader as more bus services had been withdrawn in Crewkerne.
- Replacing the word **Maintain** pressure to deliver Stop Line Way with **Increase**.

At the conclusion of the debate, members agreed the priorities for the Area subject to the suggested amendments to be presented to District Executive for consideration for inclusion in the Council Plan.

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

233. Area West Committee Forward Plan (Agenda Item 9)

Members were informed that the reports on the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and the Chard Reservoir Half Term Activities due to be considered in December would be postponed until January.

RESOLVED: That the Area West Committee Forward Plan be noted as outlined in the agenda subject to the following amendments:

- Reports on Blackdown Hills Area of Outstanding Natural Beauty (AONB) and the Chard Reservoir Half Term Activities moved to January.

234. 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.

Members were informed that Application No. 18/03093/FUL – 32 Ditton Street, Ilminster had been withdrawn from the agenda.

235. Planning Application 18/04057/OUT - Land East of Mount Hindrance Farm, Mount Hindrance Lane, Chard (Agenda Item 11)**

Application proposal: Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.

The Agency Planner updated the report and advised that Condition 1 required an amendment to make reference to the application being outline. He also proposed amendments to Conditions 29 and 30 to include an implementation and retention clause. The S106 agreement also required an amendment to include the management of public open space.

The Agency Planner presented the application. He explained that the proposal was an outline application and the site was located on the northern side of Chard although the site was located within the parish of Combe St Nicholas. The site was mixed agricultural use comprising 23.1 hectares and Crimchard Road was located along the western boundary with the hamlet of Cuttifords Door to the north. Members were shown the indicative layout and informed that the means of access was for detailed consideration and would be taken from Thorndun Park Drive. The proposal sought permission for up to 295 dwellings, 3 football pitches, leisure facilities and open space. The main football pitch would be at the heart of the proposal.

The Agency Planner explained that a similar application was submitted in 2012 which was refused and dismissed at appeal on material consideration. He highlighted the summary of appeal on the Inspector's decision. The Agency Planner outlined the key

considerations which related to: Outline Application – Access for consideration, Principle of Development, Highways, Landscape, Ecology, Flooding, and Chard Town Football Club.

The Agency Planner reiterated that the application was for outline permission with all matters except for access shown indicatively to be determined at a later stage within the detailed reserved matters application. The site was located outside of the development area for Chard however as the Council could not demonstrate a 5 year housing land supply, applications should be considered in the context of presumption in favour of sustainable development and applications should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Members were informed that Highways considered the proposal to be acceptable subject to further work being carried out on the Travel Plan which would be dealt with at the reserved matters stage. The Council's Ecologist had requested further mitigation measures which could be adequately achieved at the reserved matters stage.

The Agency Planner's recommendation was for approval subject to conditions and a S106 agreement.

Members raised questions in relation to the following:

- Consideration of the cumulative effect on the surrounding area
- The exact location of the access to the site
- Definition of a Haul Road
- Emergency access arrangements onto Crimchard
- Impact on the Convent Link Junction
- Queried whether the access to the site was from a feeder road from Thorndun Park Drive by Bartletts Garage
- Highlighted that the configuration of the road was different to the access shown on the Officers presentation and the slides presented were not considered to be accurate.
- Detailed access plans were normally submitted with the application at outline stage.

At this point in the proceedings, the meeting was adjourned in order for officers to obtain the relevant information requested by members including the detailed access plan.

When the meeting was reconvened, the Ward Members indicated that they were unhappy to proceed with consideration of the application as the access pictures of the site were out of date and one of the main issues to be considered as part of the outline application was highways and the access.

In response to a member comment made regarding the cumulative impact of this site and the Land East of Crimchard site, the Specialist – Legal reiterated that each application should be looked at and considered on its own merits. Other permissions may have an impact but members would have to weigh in the balance of that impact and material considerations.

As members felt that this application was closely linked to Planning Application No.19/00074/FUL** - Land East of Crimchard, it was suggested that both applications should not be considered.

It was proposed and seconded to defer the application as members did not have sufficient information on the access arrangements to make an informed decision due to the slides and information presented not being up to date.

A vote was taken and it was unanimously approved to defer the application.

RESOLVED: That Planning Application No. 18/04057/OUT** be **DEFERRED** to a future meeting of the Area West Committee to allow for more detailed and up to date information to be presented on the access arrangements.

(Voting: unanimous)

236. Planning Application 19/00074/FUL - Land East of Crimchard, Chard (Agenda Item 12)**

Application proposal: The erection of 142 dwellings together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping.

As this application was closely linked to Application No. 18/04057/OUT88 – Land East of Mount Hindrance Farm, Mount Hindrance Lane, Chard it was proposed and seconded to defer the application to a future meeting of the Area West Committee to allow for more detailed and up to date information to be presented.

A vote was taken and it was unanimously approved to defer the application.

RESOLVED: That Planning Application No. 19/00074/FUL** be **DEFERRED** to a future meeting of the Area West Committee to allow for more detailed and up to date information to be presented.

(Voting: unanimous)

237. Planning Application 19/01219/FUL - Land at Crewkerne Road, Chard (Agenda Item 13)

Application proposal: Proposed offices, warehousing and research and development buildings

The Agency Planner presented the application with the aid of a powerpoint presentation. The proposal was for the construction of 7 commercial buildings to be provided for research and development, warehousing and office accommodation. The site was located on the eastern side of Chard with access to the site from the A30. The development was proposed to be delivered in 2 phases with buildings 1, 2 and 3 located in the south west part of the site forming the first phase. He referred to the left hand elevation which dropped down in scale to the west. The buildings would be low rise and comprised of a mixture of materials including brick and metal cladding. Members were informed that a 3 metre timber acoustic fence would be located along the western boundary and landscaping was proposed to provide screening and a green setting. The Agency Planner referred to the key considerations which were Principle of Development,

Highways, Landscape, Employment, Design and Layout. The Agency Planner's recommendation was for approval subject to conditions.

In response to questions, members were informed of the following:

- Currently there was an open field to the east of the site and it would be onerous to request acoustic barriers be put into an area that had no development currently proposed. It could be looked at in the future if there were to be residential development.
- The Environmental Health Officer considered the proposals to be acceptable. The buildings would be further insulated to protect from noise generation.
- The proposal would allow the company to grow and provide more employment.
- There would be increased landscaping and planting along the A30 with new hedging at the access point.
- Building 1 would be for office accommodation and Buildings 2 and 3 would be a combination of research and development and warehousing.

The Committee was addressed by the Applicant's Agent. He said that Numatic had always shown generous consideration to its staff and neighbours. The development would be an extension to Numatic's adjacent site and there were no noise elements being proposed on the site with manufacturing being maintained on the main site. The development would allow the company to grow by up to one third over the next five years. The road link to the A30 would be constructed first to allow construction traffic to access the site directly without having to pass through the town centre. The new road would reduce a lot of the traffic from the town centre. He advised that neighbouring properties would be protected by a 3 metre acoustic fence and landscaping. At the request of a neighbour the forklift entry had been redesigned and would be located 75 metres to the nearest boundary. He confirmed that more planting was being proposed on all boundaries and a nursery area for slow worms.

The Committee was then addressed by the Applicant. He explained about the history of the company and the need for expansion over the next five years. He advised that the 24 hour noise operations would be confined to the back of the existing site and confirmed that Numatic would be content for an acoustic fence on the eastern boundary to be included as a planning condition.

The Ward Member, Councillor Dave Bulmer commented that the applicant and officers had worked hard to address the noise issues and the work undertaken to bring the application forward was a credit to the applicant and the authority. He welcomed the application and stated that the company needed to move forward and was a good employer in the town. He was satisfied that the noise issues had been adequately addressed.

During the discussion members made the following comments:

- The application provided jobs in an area where transport links were not good and was welcomed by the Council's Specialist – Economy.
- Numatic was a flagship employer for Chard and the District Council and offered good training opportunities.
- The application was an example of good consideration, consultation and compromise with adjacent neighbours.
- Supported the applicant in considering rainwater harvesting, ground source pumps and photovoltaic cells.

- It was important to bring employment land forward.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation subject to an amendment to Condition 3 to include the following words:

Should residential development be permitted on adjacent land to the east in the future, as is envisaged by the Local Plan, then a similar 3m high acoustic fence shall be installed in accordance with a specification and timescale that shall be agreed in writing by the Local Planning Authority.

On being put to the vote the proposal was unanimously supported.

RESOLVED: That Planning Application No. 19/01219/FUL be **APPROVED** as per the Planning Specialist's recommendation for the following reason:

01. The principle of development is considered to be acceptable in this location and the proposal, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity, biodiversity, and highway safety in accordance with the aims and objectives of Policies SD1, SS1, EP4, EQ2, EQ4, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions 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 and documents:

Arboricultural Tree Scheme - TP-P-001 02

Building 1 - 3870 - 03 B

Building 2 - 3870 - 04 A

Building 3 - 3870 - 05 A

Building 4 - 3870 - 06 A

Building 5 - 3870 - 7 A

Building 6 - 3870 - 8 A

Building 7 - 3870 - 9 B

Context and Constraints 613/01 P2

FLOOD RISK ASSESSMENT - THIRD ISSUE- APRIL 2019

GA SITE ACCESS RIGHT TURN LANE - 10277-HYD-XX-XX-DR-TP-0100 P02

Illustrative Sections AA to CC 613/04 P1

Illustrative Sections AA to CC 613/04 P1

Illustrative Sections DD to EE 613/05 P1

Illustrative Sections DD to EE 613/05 P1

Impact of noise from proposed Industrial development - 9th April 2019

Landscape Proposals 613/02 P2
Landscape Proposals 613/02 P5
Location Plan - 3870 - 01
Planning Statement - April 2019
Planting Proposals 613/03 P1
Planting Proposals 613/03 P3
Reptile Survey - September/October 2018
SITE ACCESS RIGHT TURN LANE 10277-HYD-XX-XX-DR-TP-
0200 P02
Site Layout Plan - 3870 - 02 S
Site Sections - 3870 - 10
Statement of Community Involvement - April 2019
Tree Survey Plan - TP-P-001 01

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

03. Prior to occupation or use of the buildings hereby approved a 3 metre high acoustic fence shall be installed along the western boundaries to specifications and details that shall be agreed in writing by the Local Planning Authority before installation. Should residential development be permitted on adjacent land to the east in the future, as is envisaged by the Local Plan, then a similar 3m high acoustic fence shall be installed in accordance with a specification and timescale that shall be agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy EQ7 of the South Somerset Local Plan.

04. Prior to occupation or use of the buildings hereby approved the site layout, building construction and insulation levels and location of door openings shall be in accordance with the recommendation set out in the "Impact of noise from proposed Industrial development" report dated 9th April 2019 and shall thereafter be retained and not altered without the prior consent in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy EQ7 of the South Somerset Local Plan.

05. The following details shall be submitted to the Local Planning Authority and agreed in writing prior to commencement of works:

- Detailed construction layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Detailed construction drawings of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures;
- Confirmation of groundwater levels to demonstrate that the

- invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event;
 - Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event;
 - Calculations that demonstrates there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
 - Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
 - Details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
 - Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
 - Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
 - Calculations to inform the assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
 - If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed watercourse/sewer;
 - Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authority;
 - Demonstration that appropriate access is available to maintain drainage features,
 - Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third-party management company;

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with the National Planning Policy Framework and Technical Guidance to the National Planning Policy Framework.

06. Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

07. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of the construction phase , and thereafter maintained until that phase has ceased.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

08. The proposed development shall be served by a new access constructed generally in accordance with that shown on drawing number 3870 - 02 S

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

09. Any controlled entrance and gates shall be set back a minimum distance of 20 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

10. 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 occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

11. The Development hereby permitted shall not be occupied until the parking spaces and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details shown on the submitted drawings. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

12. Prior to commencement confirmation of the traffic speeds on the A30 shall be provided and agreed in writing to the Local Planning Authority. These details shall be used to determine the necessary vehicle visibility splays to be provided at the access point onto the A30. Such splays shall be provided thereafter and retained in perpetuity.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

13. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

14. Prior to first occupation or first use of the development hereby permitted, the parking for cycles and motorcycles shall be laid out, constructed and drained in accordance with a detailed scheme [within the Travel Plan] to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

15. 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;
- 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 in accordance with Policy TA5 of the South Somerset Local Plan

16. Any trees to be retained within the site will be retained with Root Protection Zones established in accordance with BS 5837:2012 trees in relation to design, demolition and construction. New landscaping will be designed to incorporate new native species landscaping to include new native shrub and grassland planting wherever possible.

Grassland beneath the tree line which forms the site boundary will be subject to less management to encourage a long-sward height. The grassland margins will be allowed to grow throughout the summer with a single cut given in late August to a minimum height of 15 centimetres periodically. All cuttings will be removed from site to encourage the development of a diverse sward.

Brash and chipping piles will be created between the retained trees from the scrub that is cleared from the site.

Reason: In the interests of protected species and biodiversity and in accordance with policy EQ4 of the South Somerset Local Plan.

(Voting: unanimous in favour)

238. Planning Application 18/03093/FUL - 32 Ditton Street, Ilminster (Agenda Item 14)

This application was withdrawn from the agenda and not considered at the meeting.

239. Planning Application 18/03718/S73A - Sandyhole, The Former Sunday School, Bull Bridge Lane, Merriott (Agenda Item 15)

Application Proposal: Application to vary Conditions 3 (opening hours) and remove condition 7 (obscure glazing on windows on the eastern elevation) of approval 17/03983/FUL.

The Specialist – Planning presented the application with the aid of a powerpoint presentation. She explained that the application for the Former Sunday School Building was approved in February 2018 subject to a number of conditions. The application was being made to vary condition 3 to allow the business to operate until 9pm on a Wednesday and 11pm on a Friday and Saturday and to remove condition 7 – obscure glazing on windows to the eastern elevation. She advised that condition 7 was yet to be implemented. Members were shown various photographs of the site including the eastern elevation and the windows which overlooked the graveyard and the views from inside the building. She explained that the application was recommended for approval but subject to the permission being for 2 years to allow a review of the neighbour amenity and parking due to the extended opening hours. She explained that conditions were

being imposed to stop the use of loud speakers or amplifier equipment and to restrict use of the outside space. She concluded that based on the proposed conditions it was felt that the impact on amenity and highway safety was satisfactorily addressed.

In response to a member question regarding other premises in the village, the Ward Member confirmed that there was a public house located further down the road which opened until 11pm and a social club on Lower Street which was open late on a Friday and Saturday.

The Committee was addressed by a representative from the Parish Council. Points raised related to the following:

- The Parish Council had supported the conversion of the building which was proving a benefit to the community and had a good working relationship with the owners however they did have similar reservations about the application.
- The Parish Council still requested that the windows be obscured for the privacy of people visiting the churchyard.
- With regard to late night opening, the Parish Council had no concerns with the current owners but there would be no control over any new owners in the future and therefore concerns were raised over the neighbour amenity.
- There were some parking issues being experienced from people using the facility.
- The Parish Council were unable to support either of the proposed changes.

The Committee was then addressed by the Applicant's Agent. Points raised related to the following:

- Planning Policy EQ3 of the Local Plan concerned the Historic Environment and was in place to ensure that heritage assets were preserved and enhanced. Obscuring the lower half of the windows would harm the character of the listed building and from the outside it would spoil the buildings appearance and would not promote a high standard of design.
- The graveyard could clearly be seen from Church Street. Users of the graveyard did not have any privacy and any number of passers-by could see into the area.
- The windows on the eastern elevation were hinged and openable and could be used by the owners to allow fresh air into the café. Obscuring the windows would have no affect if the windows were open. The majority of people visiting the café were mostly sat down and could not see out of the windows.
- There was policy support for community facilities and services in the Local Plan.
- The Feedstation had been a success since it had opened and the variation of opening hours would allow the facility to branch out and be able to cater for evening events.
- It was not intended to create a loud over-spilling public house but a classy low key facility that would enhance the village.
- There had been no complaints from nearby residents in the first year of trading.
- The SSDC Highway Consultant had confirmed that on road car parking was not likely to cause a problem.

Ward Member, Councillor Paul Maxwell commented that he had been supportive of the application in February 2018 as the facility was a good re-use of the former Sunday school and since its opening had been a positive addition to Merriott. He referred to the graveyard being an active burial site and was of the opinion that the condition for obscuring the windows had been imposed for the privacy and dignity of people visiting graves and should therefore remain. With regard to the opening hours, he noted that the

facility was located within a residential area and felt that the current opening hours were reasonable and was unable to support the extended opening hours due to the location of the facility.

In response to a member question with regard to obscuring the windows, the Specialist – Planning advised that the condition would not require replacing the windows but a film being placed onto the bottom half of existing windows which she didn't feel would enhance the character of the building. She also confirmed that there had been no noise complaints received by the District Council.

During the discussion, varying views were expressed by members which included the following:

- Obscuring the windows would not affect the character of the building.
- Expressed support for the views of the Parish Council and Ward Member.
- The proposed extended opening hours were considered excessive.
- There would be no material loss of privacy – the churchyard was a public space and could be seen from the road.
- Concerns expressed over the non-compliance of the condition to obscure the windows.
- A two year trial for the extended opening hours was a sensible trial.
- The churchyard could not be seen from the Tythe Barn opposite.
- Obscuring the windows had been imposed in 2018 to ensure that the new business fitted in with the residential area and the church yard and the people visiting it.
- Complaints had been received by the Ward Member over lack of privacy.

The Specialist – Planning highlighted that the building had always had a use and was previously a Sunday school building so there had always been some degree of overlooking. She said that if members were minded to refuse the application they would need to identify the demonstrable harm. She referred to the graveyard not being a private space and being open to view and members needing to be clear why it was unacceptable for patrons of the café to overlook that space.

The Lead Specialist – Planning confirmed that a decision was required on the whole application.

It was initially proposed and seconded to refuse the application on grounds that the proposal to vary condition 3 would cause additional noise and disturbance to adjacent residential properties and the proposal to remove condition 7 would impact upon the privacy and dignity of those visiting the adjacent graveyard. On being put to the vote this was lost by 4 votes in favour and 7 against.

The Lead Specialist – Planning referred to Conditions 2 and 3 and stated that there was an error in the report and that the policies should relate to EQ2 of the Local Plan.

It was proposed and seconded to approve the application as per the Specialist – Planning's recommendation. A vote was taken and the proposal was approved by 8 votes in favour, 2 against and 2 abstentions.

RESOLVED: That Planning Application No. 18/03718/S73A be **APPROVED** as per the Planning Specialist's recommendation for the following reason:

01. Given the passive nature of views from the café over the graveyard, it is considered reasonable for the relief of the condition requiring the windows to be obscured. It is further considered reasonable to allow the extended opening hours for a temporary period to ensure that it can be demonstrated that the use can be operated without detriment to neighbour amenity and highway safety.

SUBJECT TO THE FOLLOWING:

01. The use hereby permitted shall not be open to customers outside the following times for a two year period following the date of this permission:

Monday - 08.00-18.00

Tuesday - 08.00-18.00

Wednesday - 08.00 - 21.00

Thursday - 08.00 - 18.00

Friday - 08.00 - 23.00

Saturday - 08.00 - 23.00

Sunday - 08.00 - 18.00

Following the expiration of this two year period, the hours of operation shall revert back to 08.00-18.00, Monday to Sunday.

Reason: To allow the Local Planning Authority to assess the impact of the extended opening hours upon residential amenity and highway safety.

02. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated on any building or otherwise on any part of the subject land.

Reason: In the interests of residential amenity in accordance with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

03. Except for the purpose of cycle storage, the outdoor space shall not be used beyond the time of 18.00 on any day.

Reason: In the interests of protecting neighbour amenity.

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

240. Planning Application 19/00911/FUL - Land At Boozer Pit, Merriott, TA16 5PW (Agenda Item 16)

Application Proposal: Erection of 2 dwellings

The Specialist – Planning presented the application as outlined in the agenda with the aid of a powerpoint presentation. She explained that the site was located on the north eastern edge of Merriott and the proposal sought the infill of two detached dwellings. She referred to the site previously having an appeal in 2015 as there was a refusal on an

outline application for 6 dwellings, 2 of which were affordable housing. The appeal was dismissed on the impact of the character of the area and sustainability. At the time of the appeal, it was acknowledged and assessed on the Council having a 5 year housing land supply. With regard to this application, she explained that the circumstances were different and the Local Plan was adopted in March 2015 and at the time of the outline application it had very little weight. The Council was currently unable to demonstrate a 5 year housing land supply therefore Policy SS2 currently carried little weight.

The Specialist – Planning explained that amended plans had been received and were acceptable to revise the design of house 1 to reflect the character of the area and to lower the ridge height on house 2. She advised that access to the site had been given consent in 2012 and was already in place. The Specialist – Planning outlined the key considerations which were principle of development, impact on visual amenity, impact on residential amenity and impact on highway safety. The Specialist – Planning recommended approval of the application subject to conditions.

In response to questions, members were informed of the following:

- As the application was for under 10 dwellings, an affordable housing contribution would not be sought.
- There was sufficient distance between the properties to alleviate any adverse overlooking. House 1 would be 33 metres from Farmhouse Cottage to the north. House 2 would be 10 metres from Half Moon House and there would be no windows on facing elevations.
- Education capacity was not taken into consideration on applications of this size.
- All comments received were taken into consideration in assessing the application.
- The site was some distance from the Conservation Area and was therefore not considered as part of the application.

The Committee was addressed by a representative from the Parish Council. Points raised related to the following:

- The Parish Council did not support development on good greenfield sites.
- The site was located outside of the residential area of the village.
- There was poor pedestrian access to the village from the site.
- The village had a comprehensive housing survey which showed an overwhelming need for affordable family homes.

The Committee was then addressed by two people (who were also speaking on behalf of a number of residents in Merriott) in objection to the application. Concerns raised related to the following:

- No proven need for three bedroomed properties in Merriott.
- Queried why no garages had been included on the properties.
- No consideration has been given to the loss of privacy caused by the proposed development on neighbouring properties.
- The two storey buildings would dominate the landscape and stand above the adjacent properties.
- No consideration made for the disposal of surface water run-off and the potential for ingress into the adjacent much lower properties.
- Effect of construction traffic on residential amenity.
- No condition to restrict construction traffic from obstructing Boozer Pitt.

- Concerns over the potential for development on land to the east.
- Site outside of village core and no justification for development.
- Development intrusive and can be seen from along the road.
- Development conflicts with EQ2 of the Local Plan.
- The access was approved on appeal for agricultural purposes only.
- The proposed properties did not contribute to the local housing need in the village.
- The proposal was not sustainable development.

The Committee was addressed by a representative speaking on behalf of the Applicants. Points raised related to the following:

- The application was supported by local tradesmen living in the Merriott area;
- A condition for an ecological assessment could be included in the scheme.
- The site plan included new hedgerow planting to the north and southern boundaries and tree planting along the roadside. Existing roadside and rear boundary hedges would be maintained and a full landscaping scheme would be submitted for approval.
- The intention to include air source heat pumps and solar roof panels.
- Electric car charging points would be provided for each dwelling.
- The proposal was in line with the Council's recently adopted Environment Strategy.

The Committee was then addressed by the Applicant's Agent. He advised that pre-application discussions had taken place and as a result of neighbourhood consultation one of the dwellings had been repositioned further away from a neighbouring property. He highlighted that much had changed since the refusal of 6 dwellings on the site in 2015; there was no constraint on development limits for Merriott, the Council did not have a 5 year housing land supply and there was more of a flexible approach to what represents a sustainable location for new housing in rural areas with less emphasis on pedestrian accessibility. One of the plots would be a self-build and the Council had a duty under sections 2 and 2A of the Self-build and Custom Housebuilding Act 2015 to give enough suitable development permissions to meet the identified demand. The high quality design of the scheme complemented the pattern of development in the area. He concluded that there was insufficient justification to warrant refusal of the application and that there was no intention to develop the land at the rear of the site.

Ward Member, Councillor Paul Maxwell stated that the site was located on a rural country lane on the edge of Merriott and the nature of the surrounding area was scattered homesteads with large gaps in between backed by open countryside. He was of the opinion that the proposal was infill building on a greenfield site and could easily be considered as building in the open countryside and was not within a sustainable location. There were no footpaths and people living in the dwellings would have to rely on private cars as there was no public transport and the nearest shop was approximately a mile away. He felt that the application would be harmful to the rural and village amenity, the residential amenity would have a harmful landscape impact and would impact upon the nearby Conservation Area. He noted that no ecological or bat survey had been undertaken on the site and there was likely to be wildlife present. He concluded that the proposal was against various policies and was therefore unable to support the application.

During the discussion on the application, members made the following comments:

- The site was not an isolated location.
- The design was sympathetic to the surrounding area.
- An infill site was more favourable than a bigger development.

- Good example of building that would have good green credentials and should be promoted.

In response to a member query over the conditions, the Specialist – Planning confirmed that Condition 5 would deal with road water run off on the highway and the other matters of water run off would be dealt with through building regulations. In regard to restricting further development, she advised that it would be unreasonable to impose such a condition as any development would have to be considered on its own merits. There was no condition to remove windows on the side elevation as any windows on a first floor property would be covered by General Permitted Development.

A proposal was made to refuse the application but did not receive a seconder. It was subsequently proposed and seconded to approve the application as per the Specialist – Planning’s recommendation outlined in the agenda. On being put to the vote the proposal was approved by 11 votes in favour, 1 against and 1 abstention.

RESOLVED: That Planning Application No. 19/00911/FUL be **APPROVED** as per the Specialist – Planning’s recommendation for the following reason:

01. The proposed 2 no. dwellings, by reason of size, design, materials and location, will contribute to housing provision and growth in this sustainable location and respects the character of the area, the conservation area and causes no demonstrable harm to residential amenity, biodiversity or highway safety in accordance with the aims and objectives of policies SD1, SS1, SS2, SS4, SS5, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the core planning principles 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: 617(00)05 Rev A, 617(00)01 Rev C, 617(00)02 Rev F, 617(00)03 Rev C, and 617(00)04 Rev B received 22nd August 2019.

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

03. Prior to commencement on the natural stone walls a sample panel shall be made available for inspection on site and shall show the stone to be used, mortar mix and coursing, the details shall be submitted to and approved in writing by the Local Planning Authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by 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. At the proposed main access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted Site Layout Plan (Drawing No 617(00)02 Rev F). Such visibility splays shall be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

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. 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 to accord with Policy TA5 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

06. During construction of the proposed development, no construction traffic shall access or leave the site or construction works shall be undertaken on the site except between the hours 07.00hrs and 18.00hrs Monday to Friday and the hours of 08.00hrs and 16.00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect residential amenity to comply with Policy EP3 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

07. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such parking 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 (2006-2028) and the aims and provisions of the NPPF (2019).

08. Prior to first occupation of the dwellings hereby permitted, 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 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: In the interests of avoiding adverse impact on protected species in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

09. Prior to first occupation of the dwellings hereby permitted, the following will be installed into or onto the new dwellings accordingly:

- Four Schwegler 1a swift bricks or similar will be built into the wall under eaves and away from windows at least 5m above ground level on the north elevation of each dwelling
- A Habibat 001 bat box or similar will be built into the wall at least 4 metres above ground level of the south elevation of each dwellings
- One bee brick built into the wall about 1 metre above ground level on the south elevation of each dwelling.

Photographs of the installed features will be submitted to the local planning authority prior to the completion of the construction of each dwelling.

Reason: For the protection and enhancement of biodiversity in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

10. 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.

11. The areas allocated for parking and turning on the approved plan shall be implemented prior to the first occupation of the dwellings hereby approved and shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the dwellings hereby approved.

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

12. The windows and doors shall be of materials as indicated on the approved plans unless otherwise agreed in writing by this authority.

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

13. Prior to commencement on the roofs a sample of the roof tiles shall be submitted to and approved in writing by the Local Planning Authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by 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.

14. 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

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.

(Voting: 11 in favour, 1 against, 1 abstention)

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Chairman