

South Somerset District Council

Minutes of a virtual meeting of **Regulation (Informal)** held by video-conference using Zoom meeting software on **Tuesday 17 May 2022**.

(10.00 am - 11.00 am)

Present:

Members: Councillor Peter Gubbins (Chairman)

Sarah Dyke
Tony Lock
Sue Osborne
Paul Rowsell

Dean Ruddle
Andy Soughton
William Wallace



Officers:

Jo Boucher
Sarah Hickey
David Kenyon
Catherine Tyrer

Case Officer (Strategy & Support Services)
Senior Planning Lawyer
Planning Consultant
Specialist, Principal Planner (Development Management)

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

40. Minutes (Agenda Item 1)

The minutes of the Regulation Committee (Informal) meeting held on 15th February 2022, copies of which had been circulated, were agreed as a correct record and would be signed by the Chairman.

41. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Jason Baker, David Recardo and Malcom Cavill.

42. Declarations of Interest (Agenda Item 3)

There were no Declarations of Interest.

43. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

44. Planning Application 21/03369/REM - Land Os 5439 Part, Townsend Green, Henstridge, Templecombe, Somerset, BA8 0RG (Agenda Item 5)

Proposal: Reserved matters application for approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for construction of 130 homes, sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure.

The Specialist – Principal Planner presented the report and explained the reason why the application had been referred to the Regulation Committee following a resolution to refuse the application by the Area East Committee on 13th April 2022.

She also explained that a Highways representative was unable to attend the meeting and referred to a statement received from the Highways Authority, as set out in full in the agenda report. In summary she confirmed that they considered the application to accord with the Somerset Parking Strategy and considers an objection on parking levels to be unreasonable and unsustainable.

However she explained that following the Area East Committee and comments received the applicant had amended the original plan to now include additional visitor's parking spaces and that some of the proposed garages have been altered to car ports.

With the aid of slides she then proceeded to show the site and proposed plans. She also highlighted:

- A diversion order would be required to divert a right of way that runs through the site.
- Reiterated that the principle of development and access had already been established and was not for consideration.
- A Section 106 agreement had already been secured to include the provision and maintenance of play facilities and open spaces, financial contributions for education, travel plan and on-site provision of 35% affordable housing.
- Referred to the key considerations being layout, scale, appearance and landscaping of the site.
- Reiterated that the Highways Authority considers that an objection on the grounds of parking levels is unreasonable and unsustainable.
- The council does not currently have a five year land supply and therefore in accordance with the National Planning Policy Framework (NPPF) should be granted unless the impacts significantly and demonstrably outweighs the benefits.
- Other key matters including:
 - Highway safety – a number of objections received regarding condition 10 (Highways Improvements) of the outline permission, however this falls outside the scope of this reserved matters application.
 - Drainage and Flood Risk – a sustainable drainage strategy was secured through condition 8 of the outline planning permission.
 - Affordable and market Housing Mix
 - Public Rights of Way
 - Ecology and Landscaping

The Specialist – Principal Planner therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, her proposal was to approve the application subject to the conditions as set out in the agenda report.

In response to a question, the Specialist- Principal Planner clarified the location and detail of the carports within the scheme and acknowledged the need to amend condition 10 to include the word 'carport' and reference to retain as carports.

A member of the Henstridge Parish Council spoke in objection to the application. His comments included:

- Believed this scheme was being imposed on the village mainly due to the lack of the five year housing land supply and that the development brings no overall benefit to the village.
- No consultation regarding the Section 106 agreement and as a result unable to mitigate any of the problems raised.
- Main concern remained the increase in road traffic thorough the village.
- Had concerns about parking provision and the displacement of parking spaces from other roads.
- Believed the village was being coerced into this matter and will have a negative impact to the local area.

Three members of the public spoke in objection to the application. Their comments included:

- Believed condition 10.3 should be resolved before any further approval to this application.
- Parking was an increasing issue in the village with cars regularly parked in the line of access to this site.
- Believe the amendment now made from the original plan is a 'red herring' and deprived home owners of much needed storage.
- Believe the only solution is to reduce the number of houses which will go some way in taking the pressure off the parking in narrow roads.
- Permission was up to 130 houses and not as an exact number, why has this changed?
- This many houses will produce an intolerable amount of traffic in and around the village.
- Sought clarification regarding the meaning of the scale of the development.
- Questioned why work had already started onsite.
- Believed the change to carports would have no benefit to the scheme and deviates from other issues raised.
- The highways report should be ignored and the developers should make some further provision for parking in the development curtilage and take into account the views of the local people.

The Specialist – Principal Planner clarified that outline planning permission had been approved for up to 130 houses, therefore 130 was acceptable as proposed, and that the scale relates to the height, width and length of each building proposed within the development in relation to its surroundings.

The applicant then addressed the committee in support of the application. His comments included:

- Worked with the planning officers to produce a desirable layout and plan which he believes to be a high quality proposal.
- By a way of goodwill and taking into account the subjective comments received regarding the use of garages, and have amended the original scheme to change some garages to carports.

- Also included an additional 7 visitor spaces, bringing the total spaces within the development to 349 and therefore further enhanced the scheme.
- Prepared to work with the Parish council in relation to the 106 funds.
- Will maintain the key requirements of the planning permission, being:
 - Delivery of 35% affordable housing.
 - Investment in the local economy.
 - Notable CIL and Section 106 contributions
- Noted the development to be policy compliant and would add to the delivery towards the councils five year land supply.

Following an earlier question from the Ward member, the applicant with the aid of slides clarified the location of the additional visitor parking spaces.

Ward Member, Councillor William Wallace appreciated the addition of the extra visitor spaces and carports, however highlighted the large local opposition to the proposal. He believed there was still not sufficient parking provision provided and therefore would object to this application on the basis of car parking.

Following clarification to members that they were only considering the highways and parking provision of this application, and there being no further debate, it was proposed and subsequently seconded to approve the application as per the officer's recommendation, subject to the amendment of condition 10 to include the word 'carport' and reference to retain as carports. On being put to the vote this was carried by 5 votes in favour, 2 against and 0 abstentions.

RESOLVED:

That Regulation Committee recommend the Chief Executive to:

Approve Planning Application **21/03369/REM** as per the officer recommendation, subject to the amendment to condition 10 to include the word 'carport' and reference to retain as carports

Reason:

01. The principle of development has been established by the previous grant of outline approval, together with the means of access from Woodhayes Way. The proposed design, appearance, scale, layout and landscaping of the development would result in no significant adverse impact on the character and visual amenities of the area, and would cause no demonstrable harm to the landscape, residential amenity, highway safety, flood risk or biodiversity interests. Accordingly, the proposed scheme is considered to accord with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ7, TA4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in strict accordance with the following approved plans:

- 9493-PL01a Site Location Plan
- 9493-PL03e Proposed Site Plan
- 9493-PL04e Proposed Boundaries Plan
- 9493-PL05e Proposed Materials Plan

9493-PL06e Proposed Affordable Housing Plan
9493-PL07e Proposed Heights Plan
9493-PL08e Proposed Waste Management Plan
9493-PL09e Proposed Car Parking Plan
9493-PL10e Proposed Car Charging Plan
GTC-E-SS-0011_R2- 0_1_of_1 Substation
501-100-01 Rev E - General Engineering Layout
501-010-01 Rev G - Drainage Strategy
9336-L-01-08 Rev E Detailed Landscape Proposals
9493-PL21d Proposed Site Sections 1 of 2
9493-PL22d Proposed Site Sections 2 of 2
9493-PL23d Proposed Street Elevations
9493-PL25a Proposed Garages
9493-PL26a Apartment Bin and Cycle Storage
9493-PL27a Bin Collection Points
9493-PL28a Garden Cycle Storage
9493-PL29 Proposed Car Ports
9493-PL30b Archford Type 1
9493-PL31b Hadley Detached Type 1
9493-PL32b Hadley Semi-Detached Type 1
9493-PL33b Ingleby Type 1
9493-PL34b Hollinwood Type 1
9493-PL35b Kirkdale Type 1
9493-PL36b Avondale Type 1
9493-PL37b Holden Type 1
9493-PL38b Type SH51 Type 1
9493-PL40b Type SH53 Type 1
9493-PL41b Type SH54 Type 1
9493-PL42b Type SH55 Type 1
9493-PL43b Type Z and Type 51 (Plots 79-81)
9493-PL44b Type Z and Type 1BF (Plots 101-106)
9493-PL45b Type Z and Type 1BF (Plots 107-110)
9493-PL46a Archford Type 2
9493-PL47a Hadley Detached Type 2
9493-PL48a Ingleby Type 2
9493-PL49a Hollinwood Type 2
9493-PL50a Kirkdale Type 2
9493-PL51a Avondale Type 2
9493-PL52a Holden Type 2
9493-PL53a Type SH51 Type 2
9493-PL55a Type SH53 Type 2
9493-PL56a Type SH54 Type 2
9493-PL57 Type SH55 Type 2
9493-PL58a Type Z and Type 1BF

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

02. Prior to the occupation of the approved dwellings, the proposed roads, including footways and turning spaces where applicable, shall be constructed to a standard that ensures that the dwellings are served by a properly consolidated and surfaced footway and carriageway to at least base course level between each dwelling and existing highway.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

03. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

04. No construction of each of the components listed a)-r) below shall commence until plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction have been submitted to and approved in writing by the Local Planning Authority:

- a) estate roads
- b) footways
- c) tactile paving
- d) cycleways
- e) sewers
- f) retaining walls
- g) service routes
- h) vehicle overhang margins
- i) embankments
- j) visibility splays
- k) carriageway gradients
- l) drive gradients
- m) pedestrian and cycle routes and associated vehicular accesses and crossings,
- n) means of enclosure and boundary treatment,
- o) street lighting and street furniture,
- p) all new junctions,
- q) proposed levels,
- r) highway drainage

No dwellings shall be occupied until the development has been constructed in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

05. No development shall take place until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

o A plan to a scale of 1:1000 showing the location of all defects identified;

o A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF. This information is required prior to commencement in order to prevent remedial works later on.

06. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 501-100-01 Rev G, and shall be available for use prior to commencement of any other development. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

07. None of the approved dwellings shall be occupied until the cycle parking facilities shown on the submitted plans have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety and to encourage sustainable transport choices, to accord with policies TA1, TA5 and TA6 of the Local Plan and the provisions of the NPPF.

08. At the proposed access there shall be no obstruction to visibility greater than 600/240 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 501-100-01 Rev G) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policies TA5 and TA6 of the Local Plan and the provisions of the NPPF.

09. None of the approved dwellings shall be occupied until the electric vehicle charging points and parking bays shown on Drawing Number 9493 PL10 Rev E have been constructed. Thereafter, they must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety and to encourage sustainable transport choices to accord with policies TA1, TA5 and TA6 of the Local Plan and the provisions of the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the use of any garage or car port hereby permitted as part of this development shall be made available for parking of domestic vehicles at all times and not be used for further residential accommodation at any time.

Reason: To ensure adequate parking provision in accordance with TA5 and TA6 of the Local Plan and the provisions of the NPPF.

11. 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 prior to development above damp-proof course level and thereafter maintained at all times.

Reason: To ensure adequate highway drainage in accordance with policy EQ2, EQ7 and TA5 of the Local Plan and the provisions of the NPPF.

12. No development hereby approved which shall interfere with or compromise the use of footpath WN 12/25 shall take place until a footpath diversion order has been made and confirmed, and the diverted route made available in accordance with the agreed diversion order and maintained clear from obstruction in perpetuity.

Reason: In order to ensure the footpath remains available for public use in accordance with policy EQ2 of the Local Plan and the provisions of the NPPF.

13. Development must take place in strict accordance with the measures and timescales in Section 5 (Table 2) of the Ecological Appraisal by GE Consulting, dated March 2022, with the measures to be retained and maintained in perpetuity.

Reason: In order to ensure the development does not harm any protected species in accordance with policy EQ4 of the Local Plan and the provisions of the NPPF.

14. The approved landscaping and ecological enhancement scheme (proposed in plan reference no. 9336-L-01 Rev D, 9336-L-02 Rev D, 9336-L-03 Rev D, 9336-L-03 Rev D, 9336-L-05 Rev D, 9336-L-06 Rev D, 9336-L-07 Rev D, 9336-L-08 Rev E and 1023-EEP-AE Rev 1) must be implemented in accordance with the timings detailed in Table 3 of the Landscape and Ecological Management Plan dated March 2022 by GE Consulting and thereafter permanently retained and maintained as such.

Reason: In the interests of visual amenity and biodiversity and to accord with policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and the provisions of the NPPF.

15. Development must proceed in strict accordance with the measures to reduce carbon emissions detailed in the submitted energy report by Environmental Economics, including the improved fabric specification and the installation of Air Source Heat Pumps for all dwellings prior to first occupation.

Reason: In order to reduce carbon emissions from the development in accordance with policy EQ1 and EQ2 of the Local Plan and the provisions of the NPPF.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the car ports hereby approved must remain open fronted as indicated on the approved drawing and no door shall be installed at any time onto the front elevation.

Reason: To ensure adequate parking provision and to accord with policy TA5 and TA6 of the Local Plan.

Informatives:

01. With regard to condition 11, any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.
02. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that the developer contacts the Highway Authority to progress this agreement well in advance of commencement of development.
03. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
04. All conditions and informatives attached to the original grant of outline planning permission ref. 17/03029/OUT approved at appeal on 20th November 2018 still apply and must be read and complied with in conjunction with this approval of reserved matters unless superseded by any conditions imposed on this reserved matters permission.
05. 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.

(voting: 5 in favour, 2 against, 0 abstentions)

45. Date of next meeting (Agenda Item 6)

Members noted the date of the next meeting.

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Chairman