

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil. on Tuesday 20 March 2018.**

(10.00 - 11.15 am)

Present:

Members: Councillor Peter Gubbins (Chairman)

Mike Best	Gina Seaton
Neil Bloomfield	Angie Singleton
Tony Capozzoli	Martin Wale
Sylvia Seal	Colin Winder

Also Present:

Cllr Graham Middleton
Cllr Mike Lewis

Officers

Jo Boucher	Case Services Officer (Support Services)
Paula Goddard	Legal Specialist
Andrew Gunn	Area Lead (West and North)
Nick Head	Planning Officer

6. Minutes (Agenda Item 1)

The minutes of the Regulation Committee held on 21st November 2017 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

7. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Clare Aparicio Paul, Sarah Dyke, Graham Oakes, David Recardo and Nick Weeks.

8. Declarations of Interest (Agenda Item 3)

Councillor Gina Seaton declared a Personal and Prejudicial interest in Item 10 Planning Application 17/03874/OUT, Land Adjoining Long Orchard Way Martock as she is a friend of the land owner and would leave the meeting during consideration of that item.

9. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

10. Planning Application 17/03874/OUT - Land Adjoining Long Orchard Way Martock (Agenda Item 5)

Application Proposal: Land Adjoining Long Orchard Way Martock

(Having earlier declared a Personal and Prejudicial Interest Councillor Gina Seaton left the room during consideration of this item).

The Planning Officer presented the application as detailed in the agenda and with the aid of a power point presentation showed the site and proposed plans. He also updated members on the following:

- 2 further letters of objection had been received endorsing the issues and comments previously raised, emphasising the flood risk, drainage arrangements regarding the adjacent development and efficiency of the brook running alongside the proposed development.
- Referred to page 16 and condition 04 this should have read 'Rev G' and not 'Rev F'.

He reminded members of the appeal decision for the previous application on this site, noted that this application was now for 10 dwellings and confirmed that many matters had now been dealt with by the Inspector including the principle of the development, drainage matters and residential amenity.

The Planning Officer therefore noted that the only key consideration remaining was the ecology issues which the applicant had since addressed to mitigate these matters. He made reference to the SSDC Ecologist comments who considered that the matters had been addressed to remedy the Inspectors concerns. The badger sett has been accurately identified and it was proposed to move the sett to the south west corner of the site. Issues and concerns regarding reptiles, bats and water voles had also been addressed with adequate mitigation measures.

The Planning Officer explained that since the Area North Committee he had gone back to the three main consultees dealing with flood risk issues who again had responded with no objections to the proposal. He made reference and highlighted their comments on the slides. He accepted the area was renowned for poor soakaway and therefore an Attenuation-based scheme had been proposed and accepted.

He concluded that after considering all of the responses and advice, as outlined in the agenda report, and that the matter of the Ecology issues had been addressed his proposal was therefore to approve the application subject to the conditions as set out in the agenda report.

In response to questions from members, the Planning Officer and Area Lead Planner North & West clarified:

- The current position of the Environment Agency Flood zone maps and reiterated no objections had been made and that the proposal had been approved by the appropriate authority.
- There are no requirements to make changes to the western brook running adjacent to the site.
- If member's were to approve this outline application a reserved matters application would still need to be submitted and approved to include full detail

and design such as raised floor levels and maintenance of the brook before full permission is granted. Reserved matters would be subject to a new application and sent out for public consultation under the normal procedure.

Mr Gordon Swindells then addressed the committee and spoke in objection to the proposal. He raised concern regarding the surface water and the capacity of the brook along the edge of the development and the flooding issues already occurring for residents at the nearby Mertoach Leat development, referring to an infrastructure planning report from 2012 stating that any development within close proximity to the brook should be avoided. He also noted the water flow restriction due to the culvert construction and referred to the Environment Agency (EA) and Internal Drainage Board (IDB) policy stating that no water course should be culverted unless there is an overriding need. He considered that there was the need to ensure free flowing water before any development takes and believes the application be deferred until these matters are resolved.

Mr Andrew Clegg also addressed the committee and spoke in objection to the proposal. He understood Martock was on track to deliver the appropriate number of housing units for the next eight to ten years but still they are asked to deliver what developers want and not what the village want. He also believed the proposed bungalows were too large and should be smaller starter homes, the site could be victim of flash floods and referring to the National Planning Policy Framework (NPPF) concluded that there was no need for development on this site for at least five years.

Ward Member, Councillor Graham Middleton reiterated the flooding issues and concerns within the area and the problems already occurring at the nearby Mertoach Leat development. He believed these issues were due to the restricted flow and blocking of the brook now partly restricted by the construction of the culvert and suggested that the application be deferred until further discussion and information be provided regarding the flooding issues within this area.

Shaun Travers, the agent also addressed the committee stating that there were clear steers on issues from the Inspector's decisions. He made reference to the appeal decisions and comments made by the Inspector, and noted that the character and appearance had been deemed acceptable. Ecology work had now been completed and all issues mitigated. He appreciated the concerns from locals however believed there was no justification for objection and that all drainage proposals were acceptable. He referred to the much needed requirement for bungalows within Martock and believed that lessons can be learned from the nearby Mertoach Leat development.

The Legal Specialist reminded members of previous planning appeals and that the Inspector's issues with regard to Ecology of the site had now been addressed. She reminded members of the statutory consultee's comments and that if members were minded to refuse the application the reasons for refusal would require substantial evidence to ensure avoidance of costs at appeal.

Ward member, Councillor Neil Bloomfield believed Martock was delivering more than their fair share of housing and was concerned the EA flood zone maps referred to were not up to date and did not take into account any of the new development already built in the area. He acknowledged the need for housing, however believed more affordable 1 and 2 bed properties were required. He noted the Parish Council had commissioned an Agronomist report and was disappointed that the application was being considered before the results of this report have been known. He noted the flooding issues and concerns within the area and the problems already occurring at the adjacent

development. He said it was a greenfield site and believed there was a high risk for future residents of flooding.

During members' discussion, comments were made including the following:

- Appreciated the flooding issues and concerns raised, however can see no planning justification to refuse the application as all drainage proposals are deemed acceptable and any drainage issues have been adequately mitigated and conditioned.
- Requested that Condition 5 be amended to omit the wording 'or remains from the past industrial use'.
- Requested an informative note to be added to advise the applicant/developer of the special design needs of the site in connection with surface water flooding.
- Understood there was a need for bungalows in the village.
- Acknowledged the comments made by all statutory consultees and therefore cannot see any substantial reason to refuse the application.
- Concern raised regarding the difficult and effective way to move badgers on the site.

Following a short debate members' agreed that should the application be approved a condition be made to limit the development to bungalows.

Following a further discussion it was then proposed and subsequently seconded that planning permission be approved as per the officers recommendation with the following additions and amendments to the conditions:

- Condition 5 be amended to omit the wording 'or remains from the past industrial use'.
- An additional condition to limit the development to single storey units in order to safeguard the character of the area and meet the need for single storey dwellings.
- An informative note be added to advise the applicant/developer of the special design needs of the site in connection with surface water flooding.

On being put to the vote this was carried by 6 votes in favour, 2 against and 0 abstentions. .

RESOLVED:

That application **17/03874/OUT** be approved for the following reason:

01. The proposal makes provision for ten dwellings within a Rural Centre that would contribute towards the enhancement of the sustainability of the settlement. The development respects the character and appearance of the setting without causing harm to highway safety, residential amenity, ecology and wildlife. Notwithstanding local concerns, it is not considered that demonstrable flood risk would result from the proposal. In these respects the proposal is considered represent sustainable development that accords with the aims and objectives of the NPPF and the relevant policies of the South Somerset Local Plan, including Policies SD1, SS1, SS5, SS6, HG3, TA5, TA6, EQ1, EQ2, EQ3 and EQ4.

SUBJECT TO THE FOLLOWING:

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

02. Application for approval of the appearance, landscaping, layout and scale of the development, referred to in this permission as 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. All reserved matters referred to in Condition 2 above shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, internal ground floor levels, materials, and landscaping.

Reason: To ensure that the development of the site is dealt with in a comprehensive manner to protect the character and appearance of the local setting and to secure a high quality development in accordance with the NPPF and policies SD1, EQ2 and EQ3 of the South Somerset Local Plan, 2006.

04. In respect of the access and site boundary, the development hereby permitted shall be carried out in accordance with the following approved plan: the drawing ref. 3699/PL/001 Rev G.

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

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

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with the NPPF and Policy EQ7 of the South Somerset Local Plan.

06. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation, management and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Internal Drainage Board. The drainage strategy shall ensure

that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details, and the agreed surface water drainage scheme shall be permanently managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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 paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

07. The development (including site clearance and preparation works) shall be implemented in full accordance with the Ecological Mitigation And Management Plan (Revision 2, January 2018, ECOSA), subject to any modifications required by the Natural England licence in respect of legally protected species, unless otherwise approved in writing by the local planning authority.

Reason: For the protection, conservation and enhancement of biodiversity in accordance with NPPF and Local Plan policy EQ4 and to avoid harm to legally protected species in accordance with the Wildlife and Countryside Act 1981.

08. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25 metres either side of the access onto the Mertoeh Leat estate. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times

Reason: In the interests of highway safety.

09. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety.

10. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). 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 and a scheme to encourage the use of public transport

amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and general amenity.

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 before the site first comes into use and thereafter maintained at all times.

Reason: In the interests of highway safety and to accord with the NPPF and Policy TA5 of the South Somerset Local Plan.

12. The development hereby permitted shall comprise no more than 10 dwellinghouses, and the combined gross internal floorspace of development shall not exceed 1000 square metres in extent.

Reason: To determine the scope of the permission on the basis that the number of dwellings applied for constitutes sustainable development particularly in relation to mitigation measures required to be secured by planning obligation, in accordance with the aims of the NPPF, the online Government Planning Practice Guidance and Policies SD1, HG3 and HW1 of the South Somerset Local Plan.

13. The applicant shall ensure that all construction vehicles leaving the site during construction works 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 and thereafter maintained until construction works on the site are complete.

Reason: In the interests of highway safety

14. No development hereby approved shall exceed 1 storey in height.

Reason: To safeguard the character and appearance of the area and to meet a local need for single storey dwellings.

Informatives:

01. The applicant's attention is drawn to the advice of the Parrett Internal Drainage Board in their letter of 23 October 2017, a copy of which was sent to the applicant's agent, and which can be viewed on the Council's website.
02. 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

03. The reserved matters application shall include full details of proposals for the incorporation of features within the design and layout to enable the enhancement of biodiversity on the site in accordance with the aims of the National Planning Policy Framework.
04. The applicant's attention is drawn to the comments of the County Rights of Way Officer in relation to the nearby footpath, which can be viewed on the Council's website.
05. Whilst no liability for contributions towards affordable housing, leisure facilities or other purposes has been identified in this application, this is on the basis of Government advice related to the threshold number of units (i.e. the development is not greater than 10 dwelling units). However, there is an additional threshold figure of a total floor area of 1000 sq m. The applicant should be aware that, should the net floor area of the eventual development exceed 1000 sq. m., then contributions could be required, and the Council reserves the right to re-visit this issue at the Reserved Matters stage should that be necessary.
06. The attention of the applicant is drawn to the special design needs of the site in connection with surface water flooding, i.e. consideration for the possible need to raise floor heights, etc.

(voting: 6 in favour, 2 against, 0 abstentions)

11. Date of Next Meeting (Agenda Item 6)

The next scheduled meeting of the Regulation Committee is on Tuesday 17th April 2018 at 10.00am. However this meeting will only take place if there is business to conduct

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Chairman

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Date