

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at **the Council Chamber, Council Offices, Brympton Way, Yeovil. on Tuesday 17 April 2018.**

(10.15 am - 12.00 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

Clare Aparicio Paul	Sylvia Seal
Mike Best	Gina Seaton
Neil Bloomfield	Martin Wale
Tony Capozzoli	Nick Weeks
David Recardo	Colin Winder

Officers

Jo Boucher	Case Services Officer (Support Services)
Andrew Gunn	Area Lead (West and North)
Mike Hicks	Planning Officer

12. Minutes (Agenda Item 1)

The minutes of the Regulation Committee held on 20th March 2018 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

13. Apologies for Absence (Agenda Item 2)

Apologies for Absence were received from Councillors Angie Singleton and Sarah Dyke.

In the absence of Councillor Angie Singleton the Chairman Councillor Peter Gubbins asked that member agree that Councillor David Recardo be elected as Vice-Chairman for the duration of the meeting. This was agreed unanimously by members.

14. Declarations of Interest (Agenda Item 3)

Councillor Neil Bloomfield and Councillor Clare Aparicio Paul declared a personal interest in Item 5 Planning Application 17/04381/FUL as they were both members of the Area North Committee.

15. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

16. Planning Application 17/04381/FUL - Land Rear of Beaufort Gardens, West End Close, South Petherton. (Agenda Item 5)

Application Proposal: Land Rear of Beaufort Gardens, West End Close, South Petherton

Before the presentation commenced, Councillor Nick Weeks asked that future planning committee reports always include a postcode in the site address to aid members in reference to the site.

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 referred members to the four main issues raised by the Area North committee as noted in the agenda report and two appeal decisions at the request of Councillor Neil Bloomfield. He also updated members on the following:

- A petition had been received signed by 85 objectors to the proposal.
- A further letter of objection had been received raising concern of loss of light, issues of access and impact on the local services.
- Clarified the incomplete sentence on page 10 to read 'The applicant has addressed these concerns and the Highway Authority are content with planning condition to ensure removal of the fence.
- Clarified the incomplete sentence on page 15 to read 'Secondly, whilst the housing supply policies are to be considered out of date for the purpose of decision making, planning weight may still be given to other policies in the development plan.

He also had received a detailed statement from the applicant's agent following the Area North Committee which included the following:

- Made reference to recent schemes at West End Close and Beaufort Close and considered the density per hectare was appropriate in comparison.
- In relation to the Local plan settlement strategy this proposal would be 35% increase above minimum target.
- Believed the proposal at Lavers Oak Martock would have exceeded the local plan targets for Martock by 50%.
- Level of growth still well below the next tier settlement hierarchy. Permission on next tier up is significantly higher than minimum target.
- Site is approximately 600metres from village centre with accessible footpath and lighting.
- Acceptable gradient levels within guidance, recently approved applications located on steeply raised land.
- No substantive evidence to prove access road unacceptable.

The Planning Officer considered that the proposal was in accordance with the settlement strategy as set out in the local plan, in a sustainable location with no objections from the highways authority and supported by a travel plan. The scheme would make a contribution towards local and strategic play and sport facilities with a Section 106 agreement also seeking to secure delivery of 35% of the units as affordable housing in accordance with a tenure to be agreed with the Strategic Housing Manager.

The Section 106 agreement would also seek to secure appropriate measures for managing the ecological buffer around the site and also be subject to an updated plan clarifying the shared surfaces will be adopted highway.

He therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, 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:

- Every planning application is assessed on its individual merits and consultation is carried out on each.
- Planning Inspector comments/decisions regarding other applications are not relevant, members must consider whether this is an appropriate development in South Petherton on this particular site.
- The application is supported by a Transport Statement and Travel Plan which have been assessed by the Highways authority who raise no objection to the application.
- If permission be granted the adoption of the shared highway would be subject to a Section 38 agreement which is between the developer and the Highway Authority and we as a planning authority have no involvement in it. However if the Section 38 agreement did not progress then the private road would be subject to a payment under the APC code which would ensure that it is constructed to adoptable standards.
- Highways consider the technical standards of the approach road to be acceptable.
- Confirmed appropriate areas will be gated as advised by comments from the Police Crime Prevention.

Ward Member, Councillor Crispin Raikes addressed the committee and expressed concern whether the local schools could accommodate any further students which again this year was oversubscribed. He also referred to the petition received from local residents citing parking and access as their main concerns, raising traffic safety fears for the local residents and children.

Mr Barry Apps, spoke on behalf of South Petherton Parish Council and believed this proposal conflicts with the Council's Settlement Strategy. He said the site was located on the periphery of the village and far away from the village exit and with local bus services being reduced would result in a large increase in traffic flow through the village. He referred to photographs taken showing problems with parked cars at West End and also on route to the A303 reiterating the concern of highway safety.

Mr Ashley Buttle, a resident of West End Close spoke in objection to the proposal expressing his concern regarding the loss of light by the overshadowing trees adjacent to his property boundary. He also believed the addition of construction traffic and additional cars from the proposed development will only add to the already congested area and access to the development. He believed the proposed entrance close to his driveway would create a blind spot, was a contravention to rule 243 of the highway code and referred to the recent petition from local residents.

Mr James Bradbury, Deputy Director of Stonewater, confirmed all 34 units would be a mix of affordable rented, home ownership and housing for older tenants and was committed to building homes in South Somerset. He confirmed a local contractor would be used therefore creating local jobs.

Mr Matt Frost, Agent, said the site would provide a valuable contribution to local housing need and would not affect the village hierarchy in the Local Plan. He considered the gradient levels acceptable to the site and that the highways authority raised no objections. He believed the site was self-sufficient for parking, had acceptable access for refuse vehicles and that the proposal complied with relevant policy.

During discussion, varying views were expressed by members including:

- Disappointed no contribution for education had been requested for local schools and that this proposal would have a further impact on the local schools which were already at capacity.
- Should permission be granted, assurance given that the proposed travel plan be rolled out once the first dwelling had been sold.
- Believed the tracking analysis utilising the turning area for refuse vehicles was not a true reflection as did not take into account of any parked cars in the area.
- The site was located on the periphery of the village.
- High density of housing for the size of the plot with minimal open space.
- Access roads were too narrow as cars were usually parked either side.
- Unsustainable location due to gradient up to the site from the village centre.
- No evidence for local need with Homefinder Somerset Register indicating approximately only 17 people looking for homes in South Petherton.
- Believes the proposal conflicts with the Council's Settlement Strategy.
- Danger to highway safety for pedestrians and drivers.
- Acknowledged all statutory consultees had raised no objections to the proposal and therefore cannot see any substantial reason to refuse the application.
- Acknowledged the parking congestion issues in the area however recognised the Highway Authority considered the scheme acceptable.
- Village needed affordable housing for local people.

In response, the Area Lead Planner confirmed to members the adoption of the road would be subject to a legal agreement with the Highway Authority before the development could come forward and could seek to secure the Travel Plan by condition.

He also confirmed that the roads would need to be built to an adoptable standard and that the offsite play and leisure contribution would go toward the West End play area in South Petherton.

Following a further discussion it was then proposed and subsequently seconded that planning permission be approved as per the officers recommendation as set out in the agenda report with an additional condition to secure the Travel Plan.

On being put to the vote this was taken as 5 votes in favour, 5 against and 1 abstention. The Chairman then provided his casting vote in favour of the application.

RESOLVED:

That planning application reference **17/04381/FUL** be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- 1) The agreed contribution as set out in this report towards the provision of sport and play facilities (to the satisfaction of the Local Planning Authority).
- 2) Ensure at least 35% of the dwellings are affordable with a tenure split of 80:20 in favour of social rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority) or an alternative tenure mix to be agreed with the Strategic Housing Manager in the event that the scheme delivers more than 35% affordable housing.
- 3) Securing appropriate measures for managing the ecological buffer around the site.
- 4) Receipt of a plan to confirm that the shared surface would be adopted.
- 5) Additional condition to agree a travel plan.

And

- b) The following conditions:

01. The provision of housing in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework (2012).

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. Other than as required by conditions, the development hereby permitted shall be carried out in accordance with the following approved plans:
 3776-BBA-SP-00-DR-A-100; SP-DR-A-102; 00-DR-A-101A; GF-DR-A-PL01; XX-DR-A-PL02; GF-DR-A-PL03; XX-DRA-PL04; GF-DR-A-PL05; XX-DR-A-PL06; SP-DR-A-PL07; SP-DR-A-PL08; GF-DR-A-PL09; XX-DR-A-PL10; SP-DR-A-PL11; XX-DR-A-PL12; GM-DR-A-PL-13; XX-DR-A-PL-14; GF-DR-A-PL15; XX-DR-A-PL16; XX-DR-A-PL17; GF-DR-A-PL18; XX-DR-A-PL19; GF-DR-A-PL20; SP-DR-A-PL21 only.

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

03. Notwithstanding the details submitted within the approved plans, no development hereby approved shall be carried out on each of the following until particulars of the relevant detail have been submitted to and approved in writing by the Local Planning Authority;
- a) a schedule of materials (including the provision of samples to indicate colour and finish where appropriate) to be used for the external walls and roofs;
 - b) details of all hard standing to serve the dwellings hereby approved, including hard standing for footpaths and parking spaces;
 - c) panels of brickwork and stonework shall be provided on site for inspection;

- d) details of the materials, colour and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- e) particulars of boundary treatments and hard surfacing materials.
- f) details of meter cupboards and gas boxes, including location, colour and finish;

Once approved such details shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. 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.

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.

06. The reptile, bird and badger mitigation measures as set out within section 5.7-5.9, 5.12 and 5.25 of the submitted Preliminary Ecological Appraisal dated September 2017 shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the protection and conservation of priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended)

07. No works shall be undertaken on site unless a scheme of ecological enhancements having regard to the recommendations within section 5.27-5.28 of the submitted Preliminary Ecological Appraisal dated September 2017 shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details.

Reason: To ensure ecological enhancements in accordance with Chapter 11 of the NPPF (2012).

08. The development shall not be commenced until the section of timber fence erected on pavement adjacent to No. 24 West End Close and obstructing the forward visibility splay illustrated on plan No. 17114/001A has been removed in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To facilitate the safe access and egress from the site to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

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 to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

10. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028|).

11. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028|).

12. 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 approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028|).

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

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028|).

14. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 3776-BBA-SP-00-DR-A-101, and shall be available for use before prior to first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028|).

15. 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 to comply with Policy TA5 of the South Somerset Local Plan (2006-2028|).

16. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 25 metres to the south east of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028|).

17. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building(s) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

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

(voting: 5 in favour, 5 against and 1 abstention)

17. Date of Next Meeting (Agenda Item 6)

The next scheduled meeting of the Regulation Committee is on Tuesday 15th May 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