

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil. on Tuesday 18 September 2018.**

(10.00 - 11.50 am)

Present:

Members: Councillor Peter Gubbins (Chairman)

Tony Capozzoli	Nick Colbert
Mike Lock	Carol Goodall
Tony Lock	Crispin Raikes
Martin Wale	Rob Stickland
Nick Weeks	Derek Yeomans
Anna Groskop	

Officers

Jo Boucher	Case Services Officer (Support Services)
Paula Goddard	Legal Specialist
Marc Dorfman	Senior Planning Adviser
Andrew Gunn	Area Lead (West and North)

32. Minutes (Agenda Item 1)

The minutes of the Regulation Committees held on 17th July 2018 and 21st August 2018 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

33. Apologies for Absence (Agenda Item 2)

Apologies of absence were received from Councillor Clare Aparicio Paul who was substituted by Councillor Derek Yeomans, Councillor Mike Best who was substituted by Councillor Carol Goodall, Councillor David Recardo who was substituted by Councillor Rob Stickland, Councillor Sylvia Seal who was substituted by Councillor Crispin Raikes and Councillor Colin Winder who was substituted by Councillor Nick Colbert.

34. Declarations of Interest (Agenda Item 3)

There were no Declarations of Interest.

35. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

**36. Planning Application - Land Os 3727 Part Windmill Hill Lane Ashill
17/03800/OUT (Agenda Item 5)**

***Application Proposal: Erection of 25 dwellings and formation of access (outline)
Land Os 3727 Part Windmill Hill Lane Ashill TA19 9PA***

The Area Lead Planner presented the application as detailed in the agenda and with the aid of a power point presentation showed the site and proposed plans. In terms of updates he reported that a number of photographs had been received by local residents and have been included within his presentation.

He referred to the key considerations of the application, and advised that Ashill is defined within the Local Plan as a rural settlement, however explained only limited weight can be given to the housing constraints policies given that the Council cannot demonstrate a five year land supply. He said the village had some local facilities including a village hall and primary school and noted the Area West committee concerns who were minded to refuse the application concluding the site was not located in a sustainable location. However he does consider the village meets the criteria as set out under Policy SS2 of the Local Plan and given a number of appeal decisions in other similar rural settlements within the district where inspectors have accepted residential development he believed the principle of development to be acceptable.

The Area Lead Planner also noted the Highway Authority had raised no objection and that the parking had now been amended and only falls two short of the optimum standard. He noted the Landscape Officer comments and although appreciated his concern regarding development of the whole site the Area Lead Planner considered with the additional landscaping this proposal would not have a significant impact on the area.

He believed the scheme would not have an adverse impact on the setting of the local heritage assets including the church and Listed village road sign and that the Ecologist had raised no objection given the hedges are largely to be retained and was satisfied with the submitted biodiversity report. He noted the site was within Flood Zone one and although appreciated residents' concern the applicant would need to submit an acceptable drainage scheme to mitigate any flooding issues which would be determined and conditioned at reserve matter stage.

The Area Lead Planner explained the historical applications at the site had been refused permission because of impact on the area but settlements previously had development boundaries which no longer existed.

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

In response to questions from Members, the Area Lead Planner advised:

- Although the Local Plan had provided an expected target of 2,242 homes across all the rural settlements, with completions and commitments, this figure was now at 2,700.
- The land was agricultural grade III.
- Approximately 250 housing were situated within the parish of Ashill but unsure of the exact amount of development in Ashill over recent years.

- Appreciated the concerns regarding flooding within the area but clarified that should natural infiltration of the site be unacceptable the applicant would have to submit an acceptable Attenuation Scheme that satisfies the Lead Flood Authority before any development shall commence.
- Financial contributions would be sought towards the provision of local facilities.
- Other planning applications are not relevant, members must consider whether this is an appropriate development in Ashill on this particular site.
- Whilst Policy SS2 of the Local Plan should be considered, some housing is expected to be delivered within rural settlements and Ashill benefits from some local services and facilities and therefore considered a relatively sustainable location and along with the Council's current lack of a five year housing supply, only limited weight can be attached to this Policy.
- Confirmed there were limited bus services for the village.
- Should permission be granted, assurance given that the roads be of adoptable standard.

Councillor Linda Vjeh, Ward member addressed the committee and raised several objections to the application. These included:

- Referred to previous appeals that had been dismissed and noted the Inspectors comments that development would have a severe impact on the area and open countryside.
- Increase of this amount of houses within the nucleus of this village would be detrimental to the area given the elongated layout of the village.
- The Local Parish Council do not support the application and referred to the significant number of objections received.
- Sufficient footpaths are not possible due to current drainage ditch and independent properties located opposite the site.
- Questioned the enforcement of sufficient planning conditions in relation to the surface water drainage and suggested that sufficient information be submitted prior to the application being approved.
- Have no guarantee that further additional funding will be available to enhance the existing local facilities of the area.
- Referred to the concerns raised by the Council's Landscape Officer and the development of the whole of the site.
- The application does not provide evidence to support several points within the SS2 policy of the local plan has been met including; the protection and enhancement of the environment and distinctiveness of settlements, provide evidence and demand for the growth proposed, lack of varied transport options, enhancement of local facilities and add sustainability to the village in comparison to other larger villages within the district.
- No support from the local community with no robust local consultation taken place.
- Unfair disproportion of housing growth given to this area.

In conclusion she believed that based on her comments made and with informed consultation with the local community believed the Area West Committee recommendation to refuse the application be upheld.

The committee were addressed by the Chairman of Ashill Parish Council, three local residents and a representative for the Campaign for the Protection of Rural England (CPRE) who all spoke in opposition to the application. Their comments included:

- Referred to a previous appeal decision of a planning application for five dwellings at a nearby site where the inspector concluded that development would cause significant harm to the character and appearance of the area.
- Harmful traffic/highway impact on local roads.
- Raised concern regarding the surface water management system and its maintenance.
- The application does not provide evidence to support several points within the SS2 policy of the local plan.
- Impact on local water supply and impact on flood water drainage.
- Lack of infrastructure within the village to cope with the proposal.
- Major increase in traffic levels, likely increase in accidents.
- Lack of employment/facilities in the village.
- This scale of growth not required in Ashill.
- Council rely too much on the current lack of five year housing land supply.
- Harmful to the character and appearance of the village and does not enhance the natural environment.
- Why have the Landscape Officer's comments have be given little weight?
- Proposal was not within a sustainable location.
- Scale of development was too excessive for the village.
- Fully supported the comments of Area West committee and their recommendation to refuse the application.

Following a short discussion members requested and were given a copy of the appeal decision referred to by many of the objectors. In agreement with the applicant a short adjournment of the meeting was taken to allow members and the applicant to read and consider the full appeal statement.

Following the break the Area Lead Planner advised members that the previous planning appeal decision referred to was not in the same location as this application and was set further from the village.

He also noted the Inspector's comments that Ashill contained the basic core facilities including a primary school, village hall and church and therefore suitable for housing development appropriate with the scale and character of the settlement. He also highlighted the Inspectors refusal on the grounds of loss of employment land and premises and harm to the character and appearance of the area but not the need.

The Agent then addressed the committee and confirmed that a full drainage report was submitted but unfortunately was not looked at in full by the Lead Flood and Drainage Authority for reasons beyond the applicant's control. Nonetheless he confirmed they would except the condition imposed. He also considered the current play facility adequate and the importance of the public consultation referring to a full day's workshop that took place inviting local resident to view the plans proposed. He confirmed that funds would be provided for the enhancement of facilities under a section 106 legal agreement should permission be granted. He concluded that all statutory consultees had raised no objections to the proposal and although appreciated the concerns raised regarding the sustainability of the proposal believed the necessary tests have been applied and passed and found this site to be suitable and achievable.

During members' discussion, varying views were expressed including:

- Concern regarding surface water drainage and flooding concerns.

- Sustainability of the site was not proven and the application should be refused.
- Cannot rely solely on the Council's lack of five year housing land supply to approve the application.
- Development of this type is needed to help the village grow and survive.
- Acknowledge the balance of development with the impact on the character and appearance of the village – how much is too much?
- Scale of development to excessive for the village.
- Acknowledge some development is needed but not of this size.
- Appeal decision referred to was not in the same location as this application and was set further from the village.
- Ashill contained some facilities including a primary school, village hall and excellent play area and believed this proposal on balance appropriate for the scale and character of the settlement.
- Noted many local objections to the application which should be taken into account.
- Not enough evidence and information to substantiate the application.
- Believed some development was need to sustain and enhance the village, however hesitant whether the amount of houses was acceptable.
- Believed villages need growth and with some local facilities and excellent play area on balance considered the proposal acceptable.

The Senior Planning Advisor stated that the application should help the sustainability of the village and that the appeal decision referred to was located in a different location within the village.

Following a further discussion, it was then proposed and subsequently seconded that planning permission be approved as per the officer's recommendation as set out in the agenda report. On being put to the vote this was carried by 7 votes in favour, 6 against and 0 abstentions. .

RESOLVED:

That application **17/03800/OUT** be approved subject to the following:

01. The proposed scheme will result in a sustainable form of development that would make a valuable contribution towards meeting the Council's housing needs, including affordable housing, would not harm residential amenity, would provide a safe means of vehicular access, provide sufficient levels of off road parking, would not harm ecological interests nor heritage assets and can be adequately drained. The scheme is in accord with Policies SD1, SS1, SS2, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and Chapters 2, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

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: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

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

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

03. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

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 protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

05. Any reserved matters application shall include the recommendations in section 5 of the Biodiversity Survey/Assessment (Lowans Ecology and Associates, 23 February 2017) regarding the detailed development plans (e.g. inclusion of details of biodiversity enhancement measures), further wildlife surveys (for specific species depending on detailed proposals), and for ecological mitigation proposals.

Reason: In the interests of ecology in accord with Policy EQ4 of the South Somerset Local Plan and Chapter 15 of the NPPF.

06. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, no development under Schedule 2, Part 2, Classes A and B shall be undertaken by any of the properties that adjoin Windmill Hill Lane, without the express grant of planning permission.

Reason: To protect the rural character and appearance of Windmill Hill lane and the setting and significance of the listed roadsign in accordance with Policy EQ2 and EQ3 of the South Somerset Local Plan.

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

Drawing numbers: Site layout plan DP101E rev E and DP.100.

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

08. No work shall commence on the development hereby permitted until details of suitable footway improvements have been submitted to and approved in writing by the Local Planning Authority. These improvements should provide a continuous footway of 1.8m width along Windmill Hill Lane from the proposed site access southwards to the existing entrance to the recreation ground, and the provision of informal pedestrian crossing points on Windmill Hill Lane and the old A358, including any footway extensions required to achieve these. Such works shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling within the development is first occupied.

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

09. No work shall commence on the development hereby permitted until details of the means of the vehicle access to the site from Windmill Hill Lane, generally in accordance with drawing number DP101E, have been submitted to and approved in writing by the Local Planning Authority. Such works shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling within the development is first occupied;

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

10. 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 43 metres either side of the access. 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 to accord with Policy TA5 of the South Somerset Local Plan.

11. The applicant shall ensure that during the construction phase 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 the commencement of development, and thereafter maintained until construction work discontinues.

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

12. 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 accord with Policy TA5 of the South Somerset Local Plan.

13. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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 accord with Policy TA5 of the South Somerset Local Plan.

14. 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 accord with Policy TA5 of the South Somerset Local Plan.

15. 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 accord with Policy TA5 of the South Somerset Local Plan.

16. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

17. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the site 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 accord with Policy TA5 of the South Somerset Local Plan.

18. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site

showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

19. Prior to the commencement of the development, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless any agreed measures are being implemented in accordance with an agreed timetable.

Reason: To encourage the use of alternative modes of transport to accord with Policy TA4 of the South Somerset Local Plan.

20. The reserved matters application shall include foul and surface water drainage details to serve the development, to include the details /information as required by the Local Lead Flood Authority in their letter dated 8th April 2018. Before any development commences on site, these drainage details shall have been approved by the Local Planning Authority and shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter in accordance with details submitted and approved.

Reason: To ensure that the site is adequately drained in accordance with the National Planning Policy Framework.

21. 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 contactors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: in the interests of highway safety and local amenity to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

Informatives:

01. In regard to condition 8, the Highway Authority have advised that the provision of those works will require a legal agreement and contact should be made with the

Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

(voting: 7 in favour, 6 against, 0 abstentions)

37. Date of Next Meeting (Agenda Item 6)

The next scheduled meeting of the Regulation Committee will be on Tuesday 16th October 2018 at 10.00am.

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Chairman

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Date