

## 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 November 2018.**

(10.00 am - 1.40 pm)

**Present:**

**Members:** Councillor Peter Gubbins (Chairman)

Clare Paul	David Recardo
Mike Best	Sylvia Seal
Tony Capozzoli	Martin Wale
Mike Lock	Nick Weeks
Tony Lock	Colin Winder
Graham Middleton	Ric Pallister

**Officers**

Jo Boucher	Case Services Officer (Support Services)
Marc Dorfman	Senior Planning Adviser
Andrew Gunn	Area Lead (West and North)
Dominic Heath-Coleman	Planning Officer
Alex Skidmore	Planning Officer
Angela Watson	Lead Specialist-Legal/Monitoring Officer

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**38. Minutes (Agenda Item 1)**

The minutes of the Regulation Committees held on 18<sup>th</sup> September 2018 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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**39. Apologies for Absence (Agenda Item 2)**

Apologies of absence were received from Councillors Anna Groskop and Angie Singleton who was substituted by Councillor Ric Pallister.

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

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**40. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest.

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**41. Public Question Time (Agenda Item 4)**

There were no questions from members of the public.

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**42. Planning Application 17/03985/OUT - Land OS 7800, Wheathill Lane, Milborne Port (Agenda Item 5)**

***Application Proposal: Outline planning application for a mixed-use development comprising the erection of up to 65 dwellings and convenience store (Class A1), community hub (Class B1); and associated access and landscaping works on land at Station Road with access and associated works.***

The Planning Officer presented the application as detailed in the agenda and clarified to members the reason for the application being referred to Committee as set out in his agenda report. He told members that the applicant had since responded to the requests from Milborne Port Parish Council proposing a change to the scheme regarding the community hub building. The developer has given the option to either relinquish the land to the Parish Council or alternatively the developer constructs a 100 metre community hub building to be let back to Milborne Port Parish Council at a peppercorn rent for an agreed minimum term.

He also updated members that:

- Received an email, which members of the committee had also received, which was critical of his report, however he stood by his comments and recommendation as set out in the agenda report.
- Two further emails had been received expressing concern regarding the fire risk and water pressure in the area.
- Received email reiterating concerns already raised as set out in the agenda report.
- Milborne Port Parish Council had also requested that should the proposal for a convenience store not be forthcoming the building would be marketed to find a suitable alternative intended for commercial/retail use. He confirmed the applicant had agreed with this request.
- Received a further letter of objection from the CPRE (Campaign to Protect Rural England).

With the aid of a power point he proceeded to give a comprehensive presentation showing the site and proposed plans including proposed access arrangements, outline drainage and landscape plans.

The Planning Officer referred to the key considerations with this application being the principle of development, scale of development, highways, visual amenity, residential amenity, ecology, flooding and drainage, fire risk and planning balance. He considered that although approval of this development would take the number over the target figure set for this area, this is a minimum figure set and would still lie short off the next tier of the settlement hierarchy.

He also confirmed no objections had been received from statutory consultees, considered the proposed scheme to be of an acceptable design and density for the area and although there was specific concern locally regarding fire risk due to low water pressure Devon and Somerset Fire and Rescue Service had been consulted and have raised no concerns.

In conclusion the Planning Officer considered the benefits to this scheme including a shop, land for Community Hub, village square and improvements to the highways outweigh the adverse impacts and therefore after considering all of the responses and advice, as outlined in the agenda report, his proposal was to approve the application subject to a Section 106 legal agreement and conditions as set out in the agenda report.

In response to members' questions the Planning Officer and Senior Planning Advisor explained:

- The requirements of the Local Plan settlement hierarchy and the various policies to be considered when minimum target figures are met.
- Should this application be approved this would not automatically change the assignment of the rural centre, only at the review of the local plan would any amendments be made.
- Confirmed the government had raised a consultation paper to review housing statistics figures however no decision has yet been made regarding this.

Councillor Sarah Dyke, Ward member then spoke and raised several comments regarding the application including:

- Appreciated that the developer had sought to engage the local community at an early stage and amended their application to include various requests from the local parish council.
- Acknowledged that public consultation was well supported by the local community and continues to do so such is the evidence of representation to this application.
- Significant over development and would push Milborne Port into the higher tier of the settlement hierarchy and this development would far exceed the level of growth for a rural centre.
- Milborne Port lacked the necessary local services and employment opportunities for this proposed development.
- Requested that should the shop not become a viable option a suitable economic alternative usage be sought.
- Believed the shop, community hub and public centre area are the main attractions of this application and need to ensure these elements are retained should this application be approved.

A representative of Milborne Port Parish Council then addressed the committee and appreciated the changes made by the developer in this application. He said the Parish Council consider this application to be the preferred option over the application at Station Road which is currently at appeal. He also reiterated the request that should the proposal for a convenience store not be forthcoming the building would be marketed to find a suitable alternative intended for commercial/retail use. He also felt the proposed 1.5 metres width of pavement to be inadequate and that the request to install a footway of 2 metres should be met in order to ensure the highway safety of pedestrians.

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

- Bat survey has identified endangered species and highly vulnerable at this time, therefore a comprehensive bat survey should be carried out to provide a clearer picture and to ensure there is no significant impact on ecology and biodiversity.

- Loss of hedgerows would have significant impact on providing habitats to wildlife every year.
- Three infill sites now allocated for development in Milborne Port which exceeds the target allocated in the local plan and therefore damage to settlement hierarchy.
- SSDC's inability to provide a five year land supply should not compromise other more suitable or sustainable sites when available and that the recent revised national guidelines within the National Planning Policy Framework (NPPF) should be considered.
- Application contravenes local policy and pushes Milborne Port into next tier of the settlement hierarchy.
- Increased fire risk due to insufficient water pressure to meet the Fire Services requirements and that the Fire Service acknowledged low water pressure was still a problem in the area.
- Proposed increase in footpath width to 1.5 metre is not satisfactory and would have a significant impact on the safety of pedestrians accessing the site. To say this is 'better than at present' is not acceptable and does not meet the current recommendations for safe footpaths.
- Access issues should be considered and agreed now at outline approval rather than at reserved matters stage.
- Believed the SSDC Tree Officer concerns regarding the loss of trees had been disregarded, as the planting new of trees cannot adequately compensate for the loss to the environment.
- Concerns regarding flood risk due to replacement of agricultural field with hard surface increasing the surface water run-off only increase the flooding risk and eventually placing a risk on the nearby A30.
- Appreciate the work undertaken to provide an acceptable scheme, however do not believe the advantages outweigh the disadvantages of the scheme.
- Risk that proposed social housing could be withdrawn at any time.
- Loss of valuable agricultural land.
- Local concerns should be managed and considered now at outline approval rather than at reserved matters stage.

The Agent then spoke in support of the application. He said this application would not change the status of Milborne Port as a rural centre for the remainder of the local plan and referred to the Planning Inspector comments regarding appeal in Martock where policy SS5 be given modest weight as the Council could not demonstrate a 5 year land supply and target figures are only to be considered a minimum. He felt the Area East Committee's reasons to refuse the application were not feasible and that the committee had not given sufficient weight to the benefits of the scheme. He said all technical matters have been addressed and resolved by the applicant with no objections left outstanding. He concluded that the scheme represents a rounding off of the settlement with no landscape impact and was a good mixed use scheme which will deliver a wide range of benefits including contributing to housing supply.

The Applicant then addressed the committee and voiced disappointment that since the application had been submitted and following many discussions to resolve issues raised, the Parish council still sought to refuse the application. She understood this site was recognised as the most sustainable location within Milborne Port and would provide much needed community infrastructure. They had already begun to formally market the retail store and were committed to finding suitable economic usage should the convenience store not come forward. She confirmed the applicant was also committed to building the community hub and believed the proposal was an excellent mixed use

scheme providing many benefits to the local community. The scheme also provided generous amounts of green open space with good linkage to other local facilities whilst also improving the road layout and highway safety.

The Planning Officer referred members to a recent appeal decision for a housing scheme at Henstridge and although not entirely the same, felt it was pertinent to this application for the purpose of the skewing of the settlement hierarchy. He confirmed the appeal had been allowed and summarised the planning inspector's comments who considered the proposal would not prejudice the overall settlement hierarchy and therefore given limited weight that does not outweigh the benefits of the scheme.

During discussion, members raised several comments with regard to the application. These included:

- This application has a lot to offer Milborne Port with many of the requests from the Parish Council met by the developer to secure the wishes of the local community.
- Believed there was an element of support from the Parish Council and considered this a good scheme that would benefit Milborne Port.
- Need to ensure that should the convenience store not be forthcoming the building would be marketed to find a suitable alternative intended for commercial/retail use.
- Some development was needed to sustain and enhance the village.
- Acknowledged all statutory consultees had raised no objections to the proposal and therefore cannot see any substantial reason to refuse the application.
- Should permission be granted, consideration of 'a local connection first' policy regarding affordable housing would be dealt with by Homefinder Somerset.
- Believed the shop, community hub and public centre area are the main attractions of this application and need to ensure these elements are retained should this application be approved.
- This development would upset the settlement hierarchy and push Milborne Port into another level without the provision that goes with it.
- Does not provide evidence and demand for the growth proposed such as lack of employment opportunities, enhancement of local facilities and therefore does not add sustainability to the village in comparison to other larger villages within the district.
- Voiced frustration that small communities are being ruined by development being forced upon them.
- Appreciate concerns raised, however we need to adhere to government policy and the requirements set.
- Should the application be approved assurance be given that the convenience store and proposed footpaths are specifically detailed at reserve matter stage.

Following a short 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 9 votes in favour, 4 against and 0 abstentions.

**RESOLVED:**

That application **17/03985/OUT** be approved subject to the following:

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

- 1) Secure at least 0.25 hectares of public open space on site to the satisfaction of the SSDC Streetscene Services manager
- 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 SSDC Strategic Housing. MEMBERS MAY WISH TO CONSIDER THE USE OF A LOCAL CONNECTION FIRST POLICY AS REQUESTED BY THE PARISH COUNCIL.
- 3) Secure a contribution of £3,010 per dwelling towards the provision of outdoor playing space, sport and recreation, to the satisfaction of SSDC Community, Health and Leisure Service
- 4) Secure a contribution of £5,233.85 per dwelling towards primary school and early years places to the satisfaction of Somerset County Council.
- 5) Secure the provision of a village square and its transfer, along with a commuted sum towards its ongoing maintenance, to the parish council or suitable alternative body to the satisfaction of the SSDC Lead Specialist - Planning.
- 6) Ensure that serviced land, with pedestrian and vehicular access, for a 100 square metre community hub is ceded to the parish council free of any land contamination issues and/or archaeological constraints and without any on-going financial responsibility for any unadoptable road.

Or:

Ensure the developer constructs a 100 square metre community hub building to be let to Milborne Port Parish Council at a peppercorn rent for an agreed minimum term. Such provision subject to Milborne Port Parish Council preparing, within 6 months of the date of the grant of outline planning permission, a business plan that demonstrates the function of the community hub, how it will be operated, financed, and managed.

**For the following reason:**

01. The principle of development is considered acceptable as the identified harm does not significantly and demonstrably outweigh the benefits of the scheme. The proposed development of the site would respect the character of the area, with no demonstrable harm to the setting of nearby listed buildings, highway safety, flood risk and drainage, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, TA5, TA6, HG3, EQ2, EQ3 EQ4, and HW1, and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. Details of the appearance, landscaping, layout, and scale of the residential and non-residential development hereby permitted (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development of each phase begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans: 13224/1300C dated 18 December 2017 on the council website and the access arrangements shown on drawing A095614-SK10 dated 27 June.

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

04. There shall be no obstruction to visibility greater than 300 millimetres above the adjoining road level such that forward visibility of at least 22 meters is provided along the re-aligned section of Wheathill Lane in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. Such visibility shall be provided prior to the occupation of any part of the development hereby permitted and shall thereafter be maintained at all times.

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

05. No work above damp course level on any dwellings on site shall commence until the pedestrian and cycle desire lines to and within the proposed development, and measures to cater for these movements, have been identified within an Access and Movement Parameter Plan, to be submitted to and approved in writing by the Local Planning Authority. Any measures identified in the Access and Movement Parameter Plan shall be fully constructed in accordance with an approved plan and specification before any part of the development is first brought into use.

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

06. No work shall commence on the highway works hereby approved until details of these works have been submitted to and approved by the local planning authority. Such highway works shall then be fully constructed in accordance with the approved plan, to an agreed specification, before the first occupation of any of the development hereby approved.

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

07. No work above damp course level on any dwellings on site shall commence until a detailed Travel Plan has been submitted to an 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 implementation 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 sustainable development and in accordance with policies SD1 and TA5 of the South Somerset Local Plan.

08. The development hereby permitted shall not commence until a construction environmental management plan has been submitted to an 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
  - Measures to avoid traffic congestion impacting upon the road network
  - Details of appropriate wildlife mitigation measures (including reptiles and badgers)

Reason: In the interests of highway safety and residential amenity and in accordance with policies EQ2, TA5 and TA6 of the South Somerset local plan.

09. In order to promote and support the provision of the convenience store hereby approved, within three months of the date of this permission, a marketing strategy shall be submitted to the LPA. The agreed marketing strategy be implemented in full and in accordance with the timescales therein.

Reason: In the interests of securing proposed benefits of the scheme and in accordance with the aims and objectives of the NPPF.

10. 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.

These details shall include: -

- Details of phasing (where appropriate) including the provision and maintenance of any temporary drainage provision during construction phase and any other subsequent phases.



- Detailed calculations demonstrating that runoff from the development will not exceed greenfield runoff rates for all events up to and including the 1 in 100 year (+40% climate change). This should include information about the design storm period and intensity, discharge rates and volumes (both pre and post development). We would expect the developer to use FEH methodology and rainfall data.
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties and/or the highway.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts if and where relevant). This should include evidence of a formal agreement with Wessex Water (or other relevant parties) for the requisition of new sewer to include details of land ownership and access, size, capacity and route of the new sewer and point of connection.
- Demonstration of the utilisation of appropriate and effective SUDS techniques for the collection, delay/control, conveyance, storage and treatment of surface water to prevent flooding and in addition to provide wider environmental, pollution prevention and amenity benefits. Construction and implementation details will also be required, including relevant drawings and cross sections.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

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 paragraphs 163 and 165 of the National Planning Policy Framework (July 2018) and Technical Guidance to the National Planning Policy Framework.

11. The development hereby permitted shall be constructed so as to provide a sealed system of foul water drainage.

Reasons: To prevent groundwater infiltration into the foul sewer network affecting service levels to public sewer systems.

12. The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity as recommended in the submitted ecology statement.

Reason: For the enhancement of biodiversity in accordance with the NPPF.

13. Prior to the removal or works to any tress, a bat roost assessment shall be undertaken by an appropriately qualified person (a licenced bat consultant), and submitted for approval in writing by the local planning authority. The assessment

may need to be supplemented by a bat emergence survey undertaken in the period of May to September. Any mitigation or precautionary measures recommended by the consultant and deemed necessary for the avoidance of harm, mitigation or compensation, and necessary for compliance with the relevant wildlife legislation, shall be implemented.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan, the Habitats Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).

14. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a phased scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures (specifically the fencing and signage) shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

15. The development hereby approved shall include no more than 65 units of residential accommodation.

Reason: To ensure the density of the proposed development is appropriate to the context in accordance with policy EQ2 of the South Somerset Local Plan.

**Informatives:**

01. The applicant is reminded of the need to include wildlife mitigation measures (including reptiles and badgers) in the Construction Environmental Management Plan (CEMP) required by condition 08.
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](mailto:cil@southsomerset.gov.uk)

03. Notwithstanding the submitted indicative layout, the developer should be aware that the LPA would expect the submission of an analysis of the impact of the proposal on existing parking arrangements in and around the site, including the impact of any likely traffic regulation orders, to be submitted as part of any detailed planning application. It is expected that any detailed layout will accommodate suitable parking provision for any parking (including on-street parking) likely to be displaced from existing dwellings.
04. The developer should be aware that the LPA would expect any detailed application scheme to include suitable provision for potential future vehicular access into the field immediately to the east of the site in case of future development in this direction. The potential would need to be for future access at full adoptable standard.

(voting: 9 in favour, 4 against, 0 abstentions)

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**43. Planning Application 18/00688/OUT - Land South of Church Street, Merriott (Agenda Item 6)**

***Application Proposal: Residential development comprising the erection of up to 50 dwelling houses and formation of access.***

The Area Lead Planner presented the application as detailed in the agenda and updated members on the following:

- Email received raising concern on the impact on the adjacent single storey dwelling.
- The site had previously been allocated as a No Development Area. It is understood that this was because the land was being considered for recreation land but this has not materialised. The No Development Area policy was not taken forward into the new local plan.
- Letter received referring to the current review of the settlement hierarchy.
- Response received from the Sport and Leisure team requesting £70,500 toward local facilities and commuted sum of £40,000.
- Response from SCC education requesting contributions towards Merriott 1st School to mitigate the potential increase in school places.

He then presented the application as detailed in the agenda and with the aid of a power point presentation showed the site and proposed plans highlighting the key

considerations being the principle of development, scale of development and use of brownfield site.

In response to questions, the Area Lead Planner informed members that:

- Acknowledged Merriott was reaching a position where it was having a fair amount of development, however the Housing Needs Survey highlighted a housing need in the area.
- It was acceptable for the access to be considered as part of the detailed matters stage.
- Clarified the policies as specified by Area West Committee as reasons for refusal.

Ward member, Councillor Paul Maxwell voiced his support of the Area West Committee's reasons for refusal as set out in the agenda report as believed it worthy to protect the area's villages and land around it. He said the site was located close to a conservation area and the loss of hedgerows would have a significant impact on this part of the streetscene of Merriott. He noted the site was a greenfield site and had historically been designated for no development in the Village Plan. He said Merriott was classed as a rural settlement with development growth now reaching capacity with development now stopped at the Tail Mill site having only sold a few properties. He believed future development should be delayed until the brownfield site within the village comes forward, there was a low need for housing in the village, the school was already over capacity and there was poor local public transport services to the village. He believed the development was unsustainable and contrary to policy and could not support the application.

The Chairman of Merriott Parish Council addressed the committee. He said the application did not fill any employment requirement, improve local services or demonstrate any housing need. He said there had been significant growth in the area already which was more than enough and believed the current brownfield site within the village would come forward for development in the near future. He believed affordable housing had not been demonstrated for local need and that Merriott was classed as a rural settlement.

A member of the public addressed the committee and spoke in objection to the application. He noted slow sales on other developments within the village and that this scale of development was too large and would have a significant impact on the limited local facilities and services with 120 houses already having been approved in the village over the next few years.

The Agent explained that the local community had been consulted on the application and had done everything possible to engage with the Parish Council. He noted all statutory consultees had raised no objection to the scheme and there was no substantive evidence to refuse the application. He understood the brownfield site was not being actively promoted at this time and believed this development to be sustainable and the principle of residential development in this area acceptable. He felt the development would keep the village sustainable and deliver a footpath link and provide much needed housing for the area.

During member's discussion, several comments were made including:

- Acknowledged the Parish Council's responsible approach to development within the village and recognised their reasons for refusal regarding this application.

- Accepted the brownfield site within the village was not forthcoming for development at this time.
- Believe the site to be in a sustainable location with Merriott having good local facilities.
- Acknowledged all statutory consultees had raised no objections to the proposal and therefore cannot see any substantial reason to refuse the application.
- Believe there would be an impact on the local services however there were insufficient planning reasons to refuse the application which they felt would be difficult to defend on appeal.
- Believes the site sits nicely within the village for much needed affordable housing.

Following a short 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 10 votes in favour, 3 against and 0 abstentions.

**RESOLVED:**

That application **18/00688/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, and would not harm ecological interests nor heritage assets. 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. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, scale, vehicular and pedestrian access arrangements, drainage and landscaping.

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

05. 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.

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

Drawing numbers: 2526-PL-01 (Location Plan).

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

07. 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;
  - measures to prevent dust, mud or other debris from being deposited on the public highway;

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; 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.

08. 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 19th 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.

09. 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.

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 accord with Policy TA5 of the South Somerset Local Plan.

11. 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 promoting sustainable travel and highway safety to accord with Policy TA5 of the South Somerset Local Plan.

12. 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.

13. 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.

14. No part of the development hereby permitted shall be occupied or brought into use until the construction of suitable vehicular and pedestrian access to the development has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to first occupation, unless otherwise agreed 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.

15. No part of the development hereby permitted shall be occupied or brought into use until the construction of a footway on the southern side of Church Street from the existing footway to the east of the site boundary with Church Street, across the site frontage with Church Street and onwards on the south side of Church Street to the junction of Church Street with Newchester Cross has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority. This scheme shall be fully implemented prior to first occupation with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

16. Prior to (and within 2 months of) commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if they are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and necessary Natural England license have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species and to ensure compliance with the Wildlife and Countryside Act 1981, and the Protection of badgers Act 1992.

17. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine the presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan/ method statement, unless otherwise approved in writing by the Local Planning Authority.

Reason: To accord with Policy EQ4 of the South Somerset Local Plan and compliance with the Wildlife and Countryside Act 1981.

(voting:10 in favour, 3 against, 0 abstentions)



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**44. Planning Application 18/00650/OUT - Knights Templar Court Nursing Home, Throop Road, Templecombe (Agenda Item 7)**

***Application Proposal: Demolition of the existing buildings and the erection of 19 No. dwellings with associated access and parking (outline application).***

The Planning Officer presented the application as detailed in the agenda and updated members on the following:

- The applicant would need to make a contribution towards primary education which would require a Section 106 Legal agreement.
- Confirmed the Local Lead Flood Authority (LLFA) had yet to comment on the application and therefore the recommendation to approve planning permission would need to include 'subject to no objections from the LLFA'.
- The application had been deferred from the 21<sup>st</sup> August 2018 Regulation Committee pending the resolution of outstanding ecology matters. The ecology issues have since been resolved, as such the application had been brought back to committee with the inclusion of an additional ecology condition.

With the aid of a power point presentation she proceeded to showed the site and proposed plans highlighting the key considerations being the principle of residential development, with the access to be determined at outline stage and all other matters such as design to be determined at reserved matters. Also the impact upon amenities of neighbours and the provisions of the Section 106 legal agreement.

The Planning Officer considered the proposal was fairly unobtrusive to the area with no substantial harm to nearby residents. She confirmed the Highways Authority were satisfied with the proposed access and therefore after considering all of the responses and advice, as outlined in the agenda report, her proposal was to approve the application subject to a Section 106 legal agreement to include education contributions and the inclusion of additional wording to her recommendation to grant planning permission 'subject to no objections from the LLFA'.

In response to questions, the Planning Officer and Senior Planning Advisor informed members that:

- There were no policies which mention the retaining of existing care homes.
- A pre-commencement condition could be imposed to ensure that the applicant submits a detailed plan for a suitable foul drainage and surface water drainage scheme in perpetuity.

In agreement with the Chairman Councillor Nick Weeks then read out comments from Ward member, Councillor Hayward Burt on his behalf as he was unable to attend the meeting. These comments included:

- Templecombe was a rural settlement.
- Proposal would add to the pressure on local services.
- Application fails policy SS2 as the scheme does not enhance the village and that affordable housing units should be included within the proposal.
- Application is contrary policy TA5, 2 and 3 of the adopted SSDC Local plan as fails to provide safe pedestrian and cycle access.

The Agent then addressed the committee and believed the application would contribute to the Local plan targets and complies with policy. It would provide onsite housing, improve the vitality of existing local and that all other matters other than access would be considered at reserve matters stage. He believed it was an excellent opportunity to provide homes in accordance with the Local plan in a sustainable location. Following a short discussion, members voiced their support of the application on the understanding that a Pre-commencement condition be included to ensure that the applicant submits a detailed plan for a suitable foul drainage and surface water drainage scheme in perpetuity.

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 and subject to a Section 106 legal agreement to include education contributions. Also the inclusion of additional wording to her recommendation to grant planning permission 'subject to no objections from the LLFA and inclusion of pre-commencement condition regarding foul drainage and surface water drainage scheme'. On being put to the vote this was carried unanimously.

#### **RESOLVED:**

That application **18/00650/OUT** be approved subject to the following:

Grant approval subject to the prior completion of

- a) A section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:
  - A contribution towards primary school education provision
  - Secure three affordable housing units;
  - A contribution towards affordable housing; and
  - A Travel Plan
  
- b) The imposition of the planning conditions set out below on the grant of planning permission.

For the following reason:

01. The principle of residential development on this vacant brownfield site within Templecombe village is considered to be acceptable. The illustrative plan, that accompanies this outline permission, demonstrates that 19 dwellings at a density of 20.4 units per hectare can be accommodated. The proposal utilises the existing access off Troop Road, which is considered capable of serving the proposed development. Other matters including appearance, landscaping, layout and scale are to be considered at the reserved matters stage. As such the proposal is considered to be in accordance with the aims and objectives of Policies SD1, SS4, SS5, SS6, SS7, HG2, TA1, TA5, HW1, EQ1, EQ2 and EQ4 of the South Somerset Local Plan and the aims and provisions of the NPPF

#### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 4109/2 unnumbered first floor plan of existing 2883/7B

410/AS10; 4307/01; 4307/02; 4307/03; 4307/04; 4307/05; 4307/07; 4307/08; 4307/09; Unnumbered tree plan and LDS/14649-TP1 received 19 March 2018.

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

02. Details of the layout, appearance, landscaping, and scale (herein after called the 'reserved matter') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission or not later than 2 years from the approval of the last reserved matters' to be approved

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

04. No development shall commence unless a Construction 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 vehicles 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; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network

Reason: In the interests of highway safety and the amenities of the area and local residents in accordance with Policies TA5 and EQ2 of the South Somerset Local plan

05. The proposed residential development shall provide a mix of house types and sizes. At least 12 of the 16 market dwellings shall be either 2 or 3 bedrooomed units unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority wishes to ensure that that a range of market housing types and sizes are provided across the district as required by Policy HG5: Achieving a mix of market housing of the adopted South Somerset local Plan and paragraph 50 of the NPPF.

06. The proposed new residential development shall include 16amp electric charging points for electric vehicles, accessible to all residences, as required by Policy TA1ii low carbon travel of the adopted South Somerset Local Plan and paras 93 and 94 of the NPPF.

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

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, and any successors no development in Classes A, B, C and D of part 1 Schedule 2 shall take place without the prior permission in writing of the local Planning Authority.

Reason: To maintain the aesthetic integrity and residential amenity of the development and preserve the amenities of the neighbouring residential property.

08. 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: To ensure satisfactory highways are put in place to serve the development.

09. 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: To ensure satisfactory pedestrian access is provided to every dwelling in the development

10. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 4307/07). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To ensure the provision of a safe access to the development.

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 first occupation and thereafter maintained at all times.

Reason: To prevent its discharge of surface water onto the highway.

12. Prior to any demolition, the applicant shall apply for, and be granted by Natural England, a European Protected Species Mitigation Licence in respect of bats. Proof of issue of such licence shall be provided to the local planning authority prior to discharge of this condition.

The bat compensation measures shall be provided in accordance with the submitted details, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Each phase of the development shall not be occupied until confirmation, by a Natural England licenced bat consultant, that compensatory bat roosting features have been provided in accordance with the submitted details, and/or the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, has been submitted to and approved in writing by the Local Planning Authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with Policy EQ4 of the South Somerset Local Plan, the NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

**Informative:**

01. Before this development can commence, a European Protected Species Mitigation Licence (under *The Conservation (Natural Habitats, &c.) Regulations 2010*) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.

(voting: unanimous)

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**45. Date of Next Meeting (Agenda Item 8)**

Members noted that the scheduled meeting of the Regulation Committee will be held on Tuesday 18<sup>th</sup> December 2018 at 10.00am.

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Chairman

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Date