

## South Somerset District Council

**Minutes** of a meeting of the **Regulation Committee** held at the **Council Chamber - Council Offices** on **Tuesday 15 January 2019**.

(10.00 - 11.30 am)

**Present:**

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

Clare Paul	Graham Middleton
Tony Capozzoli	David Recardo
Anna Groskop	Angie Singleton
Tony Lock	Colin Winder

**Officers**

Jo Boucher	Case Services Officer (Support Services)
Marc Dorfman	Senior Planning Adviser
Simon Fox	Lead Specialist (Planning)
Andrew Gunn	Specialist (Development Management)

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### 46. Minutes (Agenda Item 1)

The Case Officer- Support Services informed members of an amendment to Item 2 Apologies for Absence that should include the wording 'in the absence of Councillor Angie Singleton Councillor Tony Lock was elected as vice-chairman for the duration of the meeting'.

Members agreed with the amendment and the minutes of the Regulation Committee held on 20<sup>th</sup> November 2018 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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### 47. Apologies for Absence (Agenda Item 2)

Apologies of absence were received from Councillor Mike Best who was substituted by Councillor Ric Pallister and Councillor Nick Weeks who was substituted by Councillor Nick Colbert.

Apologies of absence were also received from Councillors Mike Lock and Martin Wale.

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### 48. Declarations of Interest (Agenda Item 3)

Councillor David Recardo wished to inform the committee that he had been sent a briefing note prior to the meeting via email from the agent regarding application 18/01311/OUT which he believed all members had received.

#### 49. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

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#### 50. Planning Application 18/01311/OUT - Land OS 4538, The Pound, Broadway Road, Broadway TA19 9RA (Agenda Item 5)

##### ***Application Proposal: Land OS 4538, The Pound, Broadway Road, Broadway TA19 9RA***

The Area Lead Planner presented the application as detailed in the agenda and with the aid of a power point presentation showed the site, indicative layout plans and photographs of the site including the access. In terms of updates he reported that:

- Alder King had submitted a briefing note to all members prior to the committee meeting.
- 2 further letters of objection had been received reiterating previous issues already raised and safety concerns regarding the construction phase.
- SCC Education had confirmed that they would not be seeking a contribution from the applicant in this instance. They believed that although currently the local school was at full capacity, approximately 60 pupils were from the Ilminster area.

He explained that the application was a resubmission of a previous application for 46 dwellings and that following a meeting on site with the Highways Authority and given the recorded speeds along Pound Road being well in excess of 30mph, they agreed the required visibility splay at the proposed junction be at 90 metres to improve highway safety for road users.

The Area Lead Planner then explained in detail the key considerations which were the principle of development, housing need/local plan housing strategy, highways/parking, landscape, residential amenity, ecology and local infrastructure/facilities. He noted that the Parish Council had carried out a housing needs survey and that a significant minority indicated that affordable housing was required in the area. He also confirmed that the copse to the south east of the site, whilst outside of the application, would be retained and maintained by the applicant as a landscape feature and for ecological benefit. He suggested that should the application be approved this be secured under a Section 106 legal agreement.

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:

- An additional footpath has been proposed starting opposite Croft farm on the southern side of Broadway Road.
- Acknowledged the housing survey had indicated that larger development sites had no support, however does not specify what a larger site is.
- Confirmed the retention and maintenance of the copse can be secured by a Section 106 Agreement and that at present no trees are subject of a Tree Preservation Order (TPO), however can request the Arborist to explore this further.

- Under the Council's Scheme of Delegation the Ward member can request the reserve matters application be brought back to committee for approval.

Councillor Sue Osborne then addressed the committee and read out comments from Ward member, Councillor Linda Vjeh on her behalf as she was unable to attend the meeting. These included:

- Supported and endorsed the concerns raised by Broadway Parish Council as they had the local knowledge of the area.
- Development will harm the character and landscape of the area.
- With narrow roads and the increase in traffic levels development would have a significant impact of the highway safety in the village.
- Disregard to Policy SS2 of the local plan and the distinctive Somerset rural landscape.
- Affordable housing needs to be secured for this development.
- Believed the proposal encroaches into open countryside and impacts on this end of the village as being of linear form.
- Lack of employment opportunities in the area.
- If minded to approve the application request that the reserve matters comes back to Area West committee to be assessed.

The committee were then addressed by a representative of Broadway Parish Council and a local resident who spoke in objection to the application. Their comments included:

- Acknowledge moderate increase in development is desirable.
- The housing survey only indicated a small amount of housing is required for the area which can be more than met on other developments.
- Apart from the benefit to the local pub and village hall the proposal provides no further benefits to the village.
- Local school at capacity with all local facilities at the other end of the village.
- Would increase the traffic through the village and exacerbate parking problems.
- Significant landscape impact.
- Out of character and scale with the adjacent linear built environment.
- A disproportionate contribution to meeting housing needs for a village of this size which would increase the village of Broadway by a third.
- Contrary to policy SS2.
- Set a precedent for future development in other rural settlements.
- Inconsistencies with the rural centre of Stoke Sub Hamdon which is four times the size of Broadway.

Three members of the public then spoke in support of the application. Their comments included:

- Provide affordable housing and increase new properties for local people in rural areas.
- Broadway village needs affordable housing where young people can stay or return to the village who have been unable to do so due to lack of available/affordable properties.
- Development is needed to help sustain the village and its current facilities.
- Villages need to be revitalised and appropriate to present day.
- Local bus service and shop have been lost because not enough people in the village to sustain these facilities.

- The Bell Inn which has recently been renovated and provides local employment would benefit from additional villagers to the area.
- Acknowledge the Parish Council's concern's however this does not represent everyone.
- This is not a Greenfield site.
- Noted there was no objections from any statutory consultees.
- Site is located in an appropriate location and would stop development on unsuitable sites elsewhere.
- Believe to be an acceptable scheme and not out of character with the local area.
- Understood the applicant would deliver an excellent scheme, given the quality of the other local development they have recently delivered.

The Agent then addressed the committee. He said the private property developer had recently delivered an excellent high quality scheme in Chard and that this application seeks up to 35 dwellings with only the access being sought for approval at this stage as all other matters will be dealt with at reserve matters. He explained that extensive public consultation had been carried out and as a result the previous application of 46 dwellings had been withdrawn and a revised application submitted. This included a greater mix of dwellings, a proposed footway link and traffic calming gateway features with the overall development site also being reduced. He believed the benefits of the scheme included a contribution to the housing target with a mixed variety of dwellings, consistent with other rural developments, help sustain the local facilities of the village including the medical centre, the footpath will provide a link to the rest of the village and that the scheme would be delivered within three years.

During members' discussion, several comments were made including:

- Believe the area already had pockets of development and this scheme would not be encroaching into the open countryside.
- Good mix of units including bungalows.
- Understand statutory consultees had raised no objections.
- Development is needed to help sustain the village.
- Villages need to be revitalised and therefore there was a need to encourage new blood into the village.
- Refreshing to hear a balanced view from the local community.
- In a sustainable location with a good mix of dwellings including affordable housing.
- Need to ensure that should the application be approved all other concerns at reserve matters stage such as landscape, layout and design are referred back to the Area West committee for approval.
- Appreciate the concerns of Broadway Parish Council, however cannot see any clear reasons to refuse the application on planning policy grounds.
- Need affordable housing and help support the young and help make villages more sustainable.
- Concern that affordable housing prices and rents will still be too high.
- Should permission be granted, assurance that 'a local connection first' policy regarding affordable housing be included.

In response to questions the Area Lead Planner and Senior Planning Advisor told members:

- With only the access being sought for approval at this stage the adoption of any internal roads would be established at reserve matters stage.
- Should permission be granted, a 'local cascade system' could be included for a limited time regarding affordable housing.

Following a short discussion, it was then proposed and subsequently seconded to approve the application as per the officer's recommendation, subject to:

- The reserve matters regarding landscape, layout and design be referred back to Area West Committee for determination,

and subject to the addition of the following to the Section 106 planning obligation:

- A local cascade system/opportunity to commence negotiations regarding a community land trust for affordable housing be included.
- Management and maintenance of the copse.

On being put to the vote this was carried by 8 votes in favour, 1 against and 1 abstentions. .

**RESOLVED:**

That application **18/01311/OUT** be approved subject to the following:

- the reserve matters regarding landscape, layout and design be referred back to Area West Committee for determination,

and

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product, also to include a local cascade system;
- 2) Contribution towards the provision of sport, play and strategic facilities
- 3) Submission of a Travel Plan Statement;
- 4) Highway Improvements to include a new footway along Broadway Road and traffic calming and gateway features along Pound Road; and
- 5) Provision and maintenance of open space;
- 6) Management and maintenance of the copse;

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. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of tree and shrub planting. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-volumes and the approximate date of planting. The installation details regarding ground-preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included within the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

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

plans:

Drawing numbers: 7854-pl001.

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 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.

09. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details 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.

Reason: To ensure that the development is properly drained to accord with the NPPF.

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 details of the access junction have been submitted and approved by the Local Planning Authority. Details of the access junction to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved access junction has been constructed. The visibility splays shown shall be constructed prior to the commencement of the development 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.

14. No work shall commence on the development site until details of the footway have been submitted and approved by the Local Planning Authority. Details of the footway to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved footway has been constructed.

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

15. No development shall commence unless a Traffic 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.



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

16. Tree & Hedgerow Protection Condition: Prior to commencement of the development, site vegetative clearance, demolition of existing structures, groundworks, heavy machinery entering site or the on-site storage of materials, the scheme of tree and hedgerow protection measures (as prepared by Greenman Environmental Management) shall be installed and made ready for inspection. A site meeting between 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 the health, structure and amenity value of 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.

17. The reserved matters application shall include details for dormice mitigation including habitat compensation and landscape planting proposals. A habitat replacement ratio of at least 2:1 is recommended.

Reason: To mitigate the loss of habitat to accord with Policy EQ4 of the South Somerset Local Plan.

#### **Informatives:**

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

The proposal involves the construction of a footway/road widening, which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Transport Development Group at County Hall, Taunton, TA1 4DY, for details of the dedication procedure. The Highway Service Manager for the South Somerset Area at Somerset County Council Highway Services, South Somerset Area Highways Office, Mead Avenue, Yeovil, BA22 8RT, Tel No 0845 345 9155, must also be consulted regarding the specification and supervision of these works before they commence on site.

The applicant should be advised that at least seven days before access works commence the Highway Service Manager must be consulted. They can be reached at Somerset County Council Highway Services, South Somerset Area Highways Office, Mead Avenue, Yeovil, BA22 8RT, Tel No 0845 345 9155.

(voting: 8 in favour, 1 against and 1 abstention)

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**51. Date of Next Meeting (Agenda Item 6)**

Members noted that the scheduled meeting of the Regulation Committee will be held on Tuesday 19<sup>th</sup> February 2019 at 10.00am.

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Chairman

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Date