

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at the **Council Chamber - Council Offices** on **Tuesday 16 July 2019**.

(2.00 - 6.25 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

Jason Baker	Sue Osborne
Neil Bloomfield	Crispin Raikes
Tony Capozzoli	David Recardo
Adam Dance	Paul Rowsell
Henry Hobhouse	Andy Soughton
Tony Lock	William Wallace

Also present:

Councillor Louisa Clarke
Councillor Linda Vjeh

Officers

Jo Boucher	Case Services Officer (Support Services)
Simon Fox	Lead Specialist – Planning
Mike Hicks	Specialist – Development Management
Marc Dorfman	Senior Planning Advisor
Paula Goddard	Senior Legal Executive

58. Minutes (Agenda Item 1)

The minutes of the Regulation Committees held on 16th April 2019 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

59. Apologies for Absence (Agenda Item 2)

Apologies for Absence were received from Councillor Colin Winder.

60. Declarations of Interest (Agenda Item 3)

Councillor Neil Bloomfield declared a personal interest in Item 6 19/00064/FUL as he is a member of Martock Parish Council. He also declared a personal and prejudicial interest in Item 8 Planning Application 18/02588/FUL as he is well known to the Agent's family. He would leave the meeting before consideration of that item.

61. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

62. Schedule of Planning Applications to be Determined by Committee (Agenda Item 5)

Members noted the schedule of planning applications.

63. Planning Application 19/00064/FUL - Land OS 0002 South Of Coat Road Martock TA12 6DF (Agenda Item 6)

Proposal: The erection of 120 homes together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping

The Lead Specialist – Planning introduced the report and explained that this application had been referred by Area North Committee directly to Regulation Committee without debate.

He then proceeded to give a detailed presentation and with the aid of slides showed the proposed site and plans and updated members on additional representations with regard to the following:

- Petition – to prevent houses
- Infrastructure, services
- Diminish natural light
- Extra traffic
- Residential Amenity
- Risk of crime
- Pollution
- Wildlife impacts
- MPC – Drainage

He also updated members on alterations to conditions including:

- 02 – date
- 03 – detail
- 04- timescale
- 13 – amend to reflect a submitted written scheme of investigation
- Omit 19 and 20 – TP
- New 20- footway linkage

It was also noted an Education Primary School contribution of £50,000.

The Lead Specialist - Planning explained that planning consent has previously been granted on the site for 95 houses and it was now proposed to build 120 houses which were smaller in size than those previously approved. There was an increase in 2 and 3 bedroom properties and more would be affordable. The layout was an improvement on the previous scheme in his opinion.

He also reported that an archaeological investigation of the site had already commenced in accordance with the expired consent. That the inclusion of a travel plan and vehicle electric points would need to be included within a legal agreement and that although

Martock Parish Council had reservations regarding the drainage the Environment Agency (EA) were satisfied with the original comments made.

He asked members to carefully consider and give weight to the factors in favour of an approval:

- The presumption in favour of sustainable development
- The lack of a five-year housing land supply
- The site is in a sustainable location with an expired 2013 consent for 95 larger homes
- The scheme meets the 3 dimensions of sustainable development (economic, social, environmental)
- There are no technical objections to the application
- Housing numbers in the settlement hierarchy are a minima and should not be binding
- That members should be minded of the Gladman appeal outcome at Henstridge
- Of the SSDC LP review which will be seeking to allocate more plan for development, especially one with an historic permission
- That low delivery in Martock and South Somerset means more permissions are required, and
- This site, evidenced by the archaeological works, appears to be ready to deliver now

Furthermore the Lead Specialist – Planning advised members that they may disregard the officer's recommendation so long as it has firm, planning grounds to do so that can be substantiated at appeal. If not a cost award would be likely if:

- A proposal in accordance with the development plan had been prevented or delayed from coming forward
- Members failed to produce evidence or substantiate reasons
- If members made vague, generalised or inaccurate assertions about impact which are unsupported by objective analysis, and/or
- Members fail to apply the policies of the development plan and NPPF.

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 with amendments to conditions 2, 3, 4, 13, 19 and 20.

In response to questions from Members, the Lead Specialist - Planning advised:

- Improvements to the path at Hills Lane would be made under this proposal, however this is purely to make the path more usable and not to facilitate the use of cars.
- No comparison has been made under this scheme against the previous approved scheme regarding the size of the proposed houses.
- Unsure of the number of garages omitted from this scheme from that of the previous scheme but that SCC have not raised any issues with regard to parking levels on the site.
- Understand that the Martock Neighbourhood plan is still in an informative stage and cannot be given significant weight.
- Believe the linear design of the scheme allows many properties to face south giving opportunity for solar panels to be installed.

Councillor Louise Clarke, Ward member voiced her objection of the application and felt that from the number of local residents attending the meeting today it gave a clear indication of the significant opposition to this scheme.

The committee was then addressed by two representatives of Martock Parish Council. Their comments included:

- If approved this application would take the total number of new dwellings to 42% over the housing target as set out in the Local Plan.
- Barratt Homes have had their chance and could become feeding frenzy for developers in the area, therefore should refuse this application and let planning inspector decide.
- Detrimental impact on Martock Surgery which is already under considerable pressure and that SSSC have a duty of care for the health and well-being of the local community.

A representative of Ash Parish Council also addressed the committee. He believed there would be an inevitable increase in traffic on the surrounding roads and villages and with a high percentage of out-commute will have a huge impact on the already congested roads within Martock, Ash and other surrounding villages.

Eight members of the public then spoke in opposition of the application. Their comments included:

- History of flooding in the area and concerned the impact the scheme will have on the surrounding area.
- Believe the EA require accurate data before a firm decision can be made on the drainage of this scheme.
- Detrimental impact on Martock Surgery which is already under considerable pressure and that this development will only exacerbate the current situation and impact on the existing healthcare population.
- The village infrastructure is not equipped to deal with the increased number of houses and traffic.
- Local school already oversubscribed.
- The scheme provides no employment benefit to the village leading to increased levels of out-commuting.
- Concerns on the increased traffic flow within Martock where congestion is already an issue and therefore safety concerns for local cyclists and pedestrians.
- Huge local opposition to the development and need to take into account local knowledge.
- The proposed development is a contravention of planning guidance regarding the distances of the proposed dwellings to that of the existing adjacent properties.
- The proposed parking provision is below the levels required by the Somerset County Council Parking Strategy.
- Concern regarding the increase in traffic especially for pedestrian crossing along North Street particularly where school children cross to go to school.
- Martock already ahead of its target to meet housing needs and therefore over supply with no demand.
- Proposal would inevitably increase traffic and therefore goes against Environmental Policies trying to reduce pollution.
- The site is of great benefit of local wildlife and ecology, which will be adversely impacted.

The Agent then addressed the committee. His comments included:

- Good sustainable location with no technical reasons why this application should not be supported.
- Confirmed the developer wished to commence construction as soon as possible should planning permission be granted.
- Clarified the reduction of the Education contribution in agreement with SCC.
- Although a reduction in garages this was mitigated by an increase in parking spaces within the development.
- Appreciate current issues regarding the doctor's surgery, however this is not a related planning consideration.
- This site will allow children to walk to the local school.
- Affordable housing is a key priority for local residents. This scheme will supply 35% affordable housing.

Councillor Neil Bloomfield, Ward member voiced his opposition of the application. His comments included:

- Martock is not equipped to deal with more housing with local services already overloaded.
- Consideration should be given to why the previously approved scheme for 95 homes was never carried out.
- Development would have huge impact on the already congested roads of Martock.
- Site is 'bolted' on to the side of village with insufficient access.
- This would have a 5% population increase on this one development.
- Would increase levels of out-commuting.
- Need to look after existing local resident needs before further development is granted. This development will only exacerbate the current issues regarding local facilities such as the doctor's surgery.
- Martock already beyond the minimum housing target and this development would put it over 40% higher.

During members' discussion, several comments were made including:

- Appreciate the concerns of the local residents and Parish Council, however cannot see any clear reasons to refuse the application on planning policy grounds.
- Detrimental impact on Martock Surgery which is already under considerable pressure and that this development will only exacerbate the current situation
- Need to listen to the concerns of the local residents.
- Need to consider the Environmental Policies that SSDC are supporting.
- Proposal would have a significant impact on the local doctor's surgery and current already congested road network.
- The scheme provides no employment benefit to the village leading to increased levels of out-commuting.
- Acknowledge previously approved scheme of 95 dwellings and on balance this proposal is too many.
- Concern regarding the proposed parking provision which is below the levels required by the Somerset County Council Parking Strategy.
- Concern regarding the path at Hills Lane and its possible future use for access.

Following a short discussion, it was then proposed and subsequently seconded to approve the application as per the officer's recommendation, subject to the conditions as set out in the agenda report with amendments to conditions 2, 3, 4, 13, 19 and 20 as previously stated. On being put to the vote this was lost by 6 votes in favour, 7 against, 0 abstentions.

During a short debate, members discussed and suggested reasons for refusal. These included:

- Development would take it 42% over the indicative local plan figure and therefore contrary to policy SS1.
- Martock has a Net- out commuting figure of 60%, this development would increase this whilst not providing any employment opportunities.
- Development has 39 fewer parking spaces than previous scheme.
- Development would make Martock larger than some nearby market towns with the local school and doctor's surgery already unable to serve the needs of the population.
- Only a proportion of housing are correctly aligned to maximise the solar gain.

In response to the suggested reasons, the Lead Specialist – Planning reminded members of the points raised in the initial presentation that favoured supporting this application, whilst also advising members that the reasons now being put forward were not considered sufficiently strong or evidenced, making an appeal likely and difficult to defend.

Following a short adjournment to help the Ward member finalise his proposed reasons for refusal, to enable the vote, the Lead Specialist - Planning read out the proposed reasons for refusal as follows:

1. The proposal for 120 dwellings would take the level of growth for Martock to 326 dwellings over the plan period. This would represent a scale of growth which is 42% over the indicative target for this Rural Centre as set out in Policy SS5 of the South Somerset Local Plan (2006-2028). As such, the development would be a significant increase over that envisaged in Policy SS5 and would be contrary to the intended growth strategy and settlement strategy and therefore contrary to Policies SD1, SS1 and SS5 of the South Somerset Local Plan (2006-2028).
2. Martock has a net out-commuting figure of 60%; this development would increase commuting whilst not providing employment opportunities, thus promoting an unsustainable settlement pattern where homes and jobs should be co-located contrary to the National Planning Policy Framework.
3. Only 75% of the homes are correctly aligned to maximise solar gain contrary to sustainable construction aims and objectives contained with Policy EQ1 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework.
4. The development has 39 fewer parking spaces than required by the Somerset Parking Strategy contrary to Policy EQ1 of the South Somerset Local Plan (2006-2028).

This was then proposed and subsequently seconded that planning permission be refused, contrary to the officer's recommendation for the reasons as read out by the Lead Specialist - Planning.

On being put to the vote this was carried by 7 votes in favour, 6 against and 0 abstentions.

RESOLVED:

That planning application **19/00064/FUL** be refused for the following reasons:

5. The proposal for 120 dwellings would take the level of growth for Martock to 326 dwellings over the plan period. This would represent a scale of growth which is 42% over the indicative target for this Rural Centre as set out in Policy SS5 of the South Somerset Local Plan (2006-2028). As such, the development would be a significant increase over that envisaged in Policy SS5 and would be contrary to the intended growth strategy and settlement strategy and therefore contrary to Policies SD1, SS1 and SS5 of the South Somerset Local Plan (2006-2028).
6. Martock has a net out-commuting figure of 60%; this development would increase commuting whilst not providing employment opportunities, thus promoting an unsustainable settlement pattern where homes and jobs should be co-located contrary to the National Planning Policy Framework.
7. Only 75% of the homes are correctly aligned to maximise solar gain contrary to sustainable construction aims and objectives contained with Policy EQ1 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework.
8. The development has 39 fewer parking spaces than required by the Somerset Parking Strategy contrary to Policy EQ1 of the South Somerset Local Plan (2006-2028).

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

64. Planning Application 17/04328/OUT - Land West of School Lane Ashill Somerset (Agenda Item 7)

Proposal: Erection of 10 dwellings and associated works including the formation of 2 No. accesses (outline)

The Senior Planning Advisor introduced the report and explained that this application had been referred by Area West Committee for the reason as set out in the agenda report – “harm to the setting of a heritage asset”.

He explained that this was an amended application for 10 dwellings from the original proposed development for 26 dwellings. He referred to permissions already granted within Ashill. He explained the main issue was the impact the proposal on the setting of the heritage asset Grade II* Listed Church of the Blessed Virgin Mary and whether the public benefit of the scheme would outweigh this harm.

The Senior Planning Advisor referred to Policy EQ of the National Planning Policy Framework (NPPF) and concluded that although there would be some minimal impact/harm he believed overall the scheme mitigated any significant adverse impacts.

In response to questions from Members, the Senior Planning Advisor confirmed that permission for 30 dwellings had already been granted elsewhere in the village and believed this development, if granted, would increase the population by approximately

20%. (This was subsequently disputed and it is agreed that the proposed development if approved would increase the “village of Ashill” by some 46%).

Councillor Linda Vijeh, Ward member addressed the committee and voiced her objection to the application. Her comments included:

- Believed the orchard had been in situ since 1880 and was a distinctive component of the village.
- Although Ashill parish has in excess of over 200 houses the majority are not within the village, (82 existing homes in the village) of the proposed development and therefore this development would have a significant impact.
- Houses would be built in an area having the most impact on the church.
- Corrected the statement that the best views of the church would be as one drives to the west as the church would then be behind the driver.
- Drew attention to the Forge Field High Court case and the requirement for the public benefit to be powerful.
- Questioned the consistency of officer recommendations. Whilst this was supported another scheme for 3 homes had been recommended for refusal on the local amenity.
- Site is not in a sustainable location with a lack of local facilities and minimal bus services.
- No affordable housing element and no contribution to local facilities.
- Adverse impact significantly outweighs any benefits.

The committee was then addressed by a representative of Ashill Parish Council. His comments included:

- Insufficient infrastructure with no essential services in the village (no bus service, shops, doctors etc.) therefore site is not located within a sustainable location.
- Scale of proposed development is out of proportion with the current village.
- Unsuitable and inadequate sewerage and drainage system.
- Proposal would have a significant impact on the Grade II* Listed Church and listed buildings.
- Adverse impact significantly outweighs any benefits and fails policy SS2.
- Proposal does not provide any employment benefits or enhance local facilities.
- No identified housing need in the village
- Proposal would have a cumulative impact with other permissions already approved.
- No significant financial contribution to local facilities.
- Proposal not supported by the local community, the parish council or Area West Committee.
- 136 letters of objection to the development had been sent.

Four members of the public then spoke in opposition of the application. Their comments included:

- Proposed gains achieved against the requirements of the five year housing land supply have been overstated.
- Concern on the impact upon wildlife that uses the site. Reference to biodiversity and local policies and that a comprehensive survey should be carried out as there is insufficient detail in order for the Council to make a decision as do not know which wildlife currently uses the site.

- The benefits of the scheme have been overstated and the potential harm has not been investigated adequately.
- Actual village of Ashill only comprises 82 dwellings and believe this development would increase the number of dwellings by over 46% a massive disproportionate expansion. (Officer: this is correct)
- Insufficient infrastructure with no essential services in the village (no bus service, shops, doctors etc.) therefore site is not located within a sustainable location.
- Scheme provides no employment benefit to the area.
- Proposal is contrary to Policy SS2 and settlement strategy.
- No proven housing need in Ashill.
- Insignificant amount of CIL contribution.
- The views of the very rare Grade II* Listed Church should be maintained and therefore the NPPF should be given great weight.
- Noted that Historic England had not withdrawn objection. (Officer: this is not correct)
- Proposal would cause permanent harm to the view and setting of the Grade II* Listed Church.
- Although the Flood Authority were satisfied with SUD's scheme they had requested more detail with regard to the management and maintenance of the system. Concern was expressed as to how this would be funded and guaranteed.
- There would be an increase in car usage generated by the new development therefore contrary to SSSC Strategy for Climate Change emergency and low carbon living.

The Applicant then addressed the committee. His comments included:

- Orchard is past its commercial use and visual enhancement.
- Adequate wildlife surveys were undertaken.
- The application addressed the local issues raised and has moved building to eastern fringe, maintaining the view to Grade II* Listed Church.
- Historic England have now withdrawn their objection.
- Proposed drainage scheme and the collection of surface water deemed acceptable.
- Excellent road links.
- Proposal would help regenerate the village and its local facilities.
- Need to support the growth of the village and provide housing for new families.

The Agent addressed the committee. His comments included:

- The site is separated by high hedgerows and mature trees and believes the location of the proposed dwellings maintain the views and setting of the Grade II* Listed Church and has a strong visual relationship with adjacent properties.
- Reiterated that Historic England do not object to the revised application.
- The development preserves the settlement of the Grade II* Listed Church through a sympathetic design.
- Considers the development to have no adverse impact on the setting of the heritage assets or surrounding landscape character.
- Delivers economic, social and environmental benefits.
- Believes the public benefits of the proposal outweigh any significant impact on the environment and local community.

Following questions from three members of the committee, the Senior Planning Advisor clarified the location of the houses in relation to the Grade II* Listed Church and other listed buildings and considered that any building on the western side would be considered fragmentation of the site.

There being no further debate, a recommendation for approval of the application was proposed and subsequently seconded as per the officer's recommendation.

The Chairman felt there was no need at this stage to hear a counter proposal as he would take the first recommendation to the vote first. On being put to the vote this was carried by 6 votes in favour, 5 against and 2 abstentions.

Following this vote a short discussion took place where some members felt they were not given the appropriate opportunity to discuss and debate a counter proposal to refuse the application and sought legal advice on the procedure followed.

The Chairman accepted that legal advice be sought and therefore following a short adjournment to seek this advice it was agreed that the vote be retracted for fairness and procedural reasons to allow all points of view to be discussed.

The Chairman clarified to members that the first proposal to approve the application would still be taken first but should this fail a counter proposal would then be considered. He then invited members for further comment on the application. These comments included:

- No new evidence which negates the recommendation to approve the application.
- NPPF very clear on protecting heritage assets and any harm is wholly exceptional.
- Statutory duty to protect heritage assets and promote South Somerset and its very distinctive landscape and heritage.
- Housing demand in Ashill already met.
- Site is located in unsustainable location with insufficient infrastructure with no essential services in the village including no bus service and therefore future residents would be dependent upon cars.
- Not totally convinced the development would cause demonstrable harm to the setting of the heritage asset and believe every effort has been made to protect the views of the church.

In response to further questions from members the Senior Planning Advisor confirmed that:

- There was no condition included for the requirement of solar panels.
- This was an outline application and therefore the size of housing would be detailed at reserve matters stage.

At the conclusion of the debate, members unanimously agreed that a named vote be taken. It was then proposed and subsequently seconded to approve the application as per the officer's recommendation as set out in the agenda report. On being put to the vote this was taken as 6 votes in favour, 6 against and 1 abstentions. The Chairman then provided his casting vote in favour of the application.

RESOLVED:

That application **17/04328/OUT** be approved subject to the following:

01. The Council cannot demonstrate a 5-year housing land supply. Ashill is an appropriate location for this level of development and the site is suitable in terms of its services. By reason of its juxtaposition with existing built form and its scale, the proposal represents appropriate development that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area. The proposal would result in less than substantial harm to the setting of the heritage asset and the public benefits of the proposal outweigh this harm. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the provisions 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 approved shall be carried out in accordance with the following approved plans:
Drawing numbers: 2479-sk-15, 2479-PL-04 Rev A and 247 - PL-01

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

04. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of reptiles, 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: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

05. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

06. Any steep sided construction excavations over 1 metre deep and left open overnight must be covered plated or have a means of escape should an animal fall in. (A suitable means of escape is a rough wood plank inclined from the base of the excavation to the surrounding ground surface).

Any voids or openings over 100mm in diameter, or equivalent, beneath new structures must be blocked over night to deter badger entry.

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

07. The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity.

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

08. The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme in accordance with the submitted Drainage Strategy (Sands, May 2018 Rev 4) have been submitted to the LPA and approved in writing by the LPA.

Those details shall include:

- a. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay, and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b. 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 where relevant);
- c. Flood water exceedance routes, both on and off site;
- d. 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 secure a working drainage system to the he approved details shall thereafter be implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development

09. The reserved matters application shall include foul water drainage details to serve the development. 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.

10. The applicant shall ensure that 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 construction, and thereafter maintained until construction works is completed.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

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: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. The proposed estate roads, footways, footpaths, tactile paving, 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

14. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

15. 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

16. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the development 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

17. 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 120 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use 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 (2006-2028).

18. 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 contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

19. 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 detailed 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 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 the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development. 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.

20. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include the details of provenance, planting locations, numbers of individual species, and sizes at the time of planting, details of root-types/grafting and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding, weed-suppression and mulching shall also be included in 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 fifteen 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.

21. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

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 and the provisions of the NPPF.

22. The development hereby permitted shall not exceed 1000m² (combined gross floor space).

Reason: Otherwise the development would be required to make contributions towards affordable housing and sports/leisure facilities in accordance with Policies HW1, SS6 and EQ2 of the South Somerset Local Plan 2006-2028.

Informatives:

01. 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

02. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

03. Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

- If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:
 - A PROW being made less convenient for continued public use.
 - New furniture being needed along a PROW.
 - Changes to the surface of a PROW being needed.
 - Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

04. The LLFA actively promote the use of sustainable drainage systems (SUDS) as they provide flood risk benefit but also enhance biodiversity, amenity value and water quality. Any opportunities to incorporate a range of SUDS should be fully explored.

05. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively

(voting: 6 in favour, 6 against, 1 abstention)

		For	Against	Abstain
1.	JASON BAKER			x
2.	NEIL BLOOMFIELD		x	
3.	TONY CAPOZZOLI	x		
4.	ADAM DANCE		x	
5.	PETER GUBBINS	x		
6.	HENRY HOBHOUSE		x	
7.	TONY LOCK	x		
8.	SUE OSBORNE		x	
9.	CRISPIN RAIKES	x		
10.	DAVID RECARDO	x		
11.	PAUL ROWSELL		x	
12.	ANDY SOUGHTON	x		
13.	WILLIAM WALLACE		x	
14.	COLIN WINDER	Absent		

65. Planning Application 18/02588/FUL - Land at Jarman Way Chard Somerset (Agenda Item 8)

(Councillor Neil Bloomfield left the room during consideration of this item).

Proposal: The erection of 23 No. dwellings, means of access and associated works.

The Specialist – Development Management introduced the report and explained that this application had been referred by Area West Committee for the reason as set out in the agenda report. It had originally been considered at the Regulation Committee on 16th April 2019, however had been deferred to allow the Area West Committee minutes to be finalised and agreed. He then proceeded to give a detailed presentation and with the aid of slides showed the site, proposed plans and access.

He referred to the key considerations being principle of development, sports and leisure contributions, highway safety/parking standards and visual/residential amenity. He understood the scheme was to be developed as 100% affordable housing and that there was no current policy to seek to protect the land for use to a care home. He also explained the site history and stated that the applicant had taken out a parking survey which had demonstrated there was sufficient on street parking to mitigate the shortfall in parking provision of the scheme. The Highway Authority considered this acceptable.

He also explained a DV assessment had been undertaken and although deemed not a viable scheme for financial contributions, a contribution has been sought and agreed of £28,212.00 for local provision.

In terms of updates he reported that:

- The resolution be updated to include the provision of sport and leisure contribution totalling £28,212.00 for the provision of local equipped play space and youth facilities at plot 5 consisting of £18,278.00 towards provision and a commuted sum of £9,934.00 towards ongoing maintenance. This will include a mechanism for the payment of additional contributions to be paid in the event that any of the 65% of additional affordable units are sold on the open market.
- Condition 2 to be updated with plan numbers.
- Condition 5 and 15 – substitute reference word ‘green’ to ‘pink’
- Condition 12 be amended as the Construction and Environmental Management Plan had now been agreed.

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 with amendments to conditions 2, 5, 12 and 15 and subject to a section 106 legal agreement to include financial contribution to local play area as previously stated.

In response to questions from Members, the Specialist - Development Management confirmed that the District Valuer’s (DV) report was based on 35% affordable housing being provided consisting of 80% social rent and 20% intermediate and that it is expected that additional affordable provision within the scheme is funded via other sources such as grant funding. The purpose of the report was to deal with the viability of sport and leisure contributions.

The Senior Legal Executive confirmed that although the applicant indicated this site would be a 100% affordable housing development the obligation in the s106 legal agreement would only reflect the policy position of 35%.

The Agent then addressed the committee. Some of his comments included:

- There was no Local Plan Policy requirement to market the site as a care home.
- Site is located within Chard where principle of development is supported.
- Site is not allocated for employment purposes.
- There is no demand for care home on this site.
- Planning permission had been granted for a care home six years ago and no providers had come forward.
- Sustainable location with local facilities and bus services.
- The Council cannot demonstrate a 5 year land supply.
- There were no statutory consultee objections on technical grounds.
- Excellent site which with provide much needed affordable housing.

During a short discussion, members acknowledged the need for a care home had not been forthcoming and that the proposal provides much needed affordable housing. It was therefore proposed and subsequently seconded that planning permission be approved, as per the officer's recommendation as set out in the agenda report with amendments to conditions 2,5,12,15 and subject to a section 106 legal agreement to include financial contribution to local play area as previously stated.

On being put to the vote this was carried unanimously.

RESOLVED:

That planning application **18/02588/FUL** be approved subject to the following:

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

- a) Ensure the delivery of 35% affordable housing, 80:20 in favour of social rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority) or an alternative tenure mix to be agreed with the Local Planning Authority in the event that the scheme delivers more than 35% affordable housing.
- b) The provision a contribution totalling £28,212 for the provision of local equipped play space and youth facilities at plot 5 consisting of £18,278.00 towards provision and a commuted sum of £9,934.00 towards ongoing maintenance. This will include a mechanism for the payment of additional contributions to be paid in the event that any of the 65% of additional affordable units are sold on the open market.

And

- c) The following conditions:

01. The provision of housing in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the

policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework (2018).

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. Other than as required by conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: Issue sheet dated 27th March 2019; Traffic Management Plan dated 11th March only.

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

03. No development hereby approved shall be carried out on each of the following until particulars of the relevant detail have been submitted to and approved in writing by the Local Planning Authority;

- a.) a schedule of materials (including the provision of samples to indicate colour and finish where appropriate) to be used for the external walls and roofs;
- b.) details of all hard standing to serve the dwellings hereby approved, including hard standing for footpaths and parking spaces;
- c.) panels of brickwork and stonework shall be provided on site for inspection;
- d.) details of the materials, colour and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- e.) particulars of boundary treatments and hard surfacing materials.
- f.) details of meter cupboards and gas boxes, including location, colour and finish;

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

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

04. The scheme of landscaping, illustrated on plan no. 3821-BBLA-SP-XX-DR-L-210 Rev. C shall be carried out and completed no later than in the first planting and seeding season following the first occupation of any of the dwellings hereby approved. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

05. No development, other than works associated with the construction of the vehicular access up to base course level within the area outlined in pink on Dwg No. 3821-BB -SP -00 -DR-A-121, shall take place until a surface water drainage scheme based on sustainable drainage principles together with a programme of

implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage in accordance with the NPPF (2018) and Policy EQ1 of the South Somerset local Plan (2006-2028).

06. 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.

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

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

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

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

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

09. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

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

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

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

11. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 3821-BB-SP-00 -DR-A-101 Rev. D, and shall be available for use before prior to first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

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

12. The construction of the development hereby permitted shall accord with the approved details within the Construction Environmental management Plan dated 11th March 2019.

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

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

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

14. Prior to the occupation of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To promote and encourage sustainable modes of travel to accord with policies TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

15. No development shall take place, other than works associated with the construction of the vehicular access up to base course level within the area outlined in pink on Dwg No. 3821-BB -SP -00 -DR-A-121 in accordance with the interim slow-worm mitigation strategy dated March 2019, until a site-wide mitigation strategy detailing measures for the translocation of slow-worms from the site has been submitted to and approved in writing by the local planning authority. The continuation of works shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the local planning authority.

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

16. A scheme of ecological enhancements (e.g. bat and bird boxes, wildflower sowing and management), including a timetable for implementation shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of

any of the dwellings hereby approved. The approved scheme shall be carried out and completed accordance with the approved details.

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

(voting: unanimous)

66. Date of Next Meeting (Agenda Item 9)

Members noted that the next scheduled meeting of the Regulation Committee will be held on Tuesday 20th August 2019 at 10.00am. However this meeting will only take place if there is business to conduct.

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Chairman

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Date