



**Area East Committee - Wednesday 12th February 2020**

Please find attached the draft minutes for a previous meeting of Area East Committee held on 13 November 2019.

# Agenda Item 1

## South Somerset District Council

**Draft Minutes** of a meeting of the **Area East Committee** held at the **Committee Room (Area East) - Churchfield** on **Wednesday 13 November 2019**.

(9.00 - 10.40 am)

**Present:**

**Members:** Councillor Henry Hobhouse (Chairman)

Robin Bastable  
Tony Capozzoli  
Nick Colbert  
Sarah Dyke  
Charlie Hull  
Mike Lewis

Kevin Messenger  
Paul Rowsell  
Lucy Trimmell  
William Wallace  
Colin Winder



**Officers:**

Simon Fox  
David Kenyon  
Sarah Hickey  
Jo Boucher

Lead Specialist - Development Management  
Planning Consultant - Development Management  
Senior Planning Lawyer  
Case Officer – Strategy and Commissioning

*NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.*

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**87. Minutes of Previous Meeting (Agenda Item 1)**

The minutes of the previous meeting held on Wednesday 9<sup>th</sup> October 2019, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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**88. Apologies for absence (Agenda Item 2)**

Apologies for absence were received from Councillor Hayward Burt.

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

Councillors Mike Lewis and William Wallace declared that they were also Somerset County Councillors.

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**90. Date of Next Meeting (Agenda Item 4)**

Members noted that the date of the next scheduled meeting of the Committee would be at the Council Offices, Churchfields, Wincanton on Wednesday 11<sup>th</sup> December 2019 at 9am.

**91. Public Question Time (Agenda Item 5)**

There were no questions from members of the public.

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**92. Chairman Announcements (Agenda Item 6)**

The Chairman informed members of the public that the meeting was being filmed. He asked that should anyone not wish to be filmed to please make it known. No members of the public raised any concern.

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**93. Reports from Members (Agenda Item 7)**

Councillor Sarah Dyke wished to congratulate Milborne Port on their silver award at the recent Horticultural Society awards.

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**94. Planning Appeals (for information only) (Agenda Item 8)**

Members noted the Planning Appeals.

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**95. Area East Committee Forward Plan (Agenda Item 9)**

Members noted the Forward Plan.

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**96. Schedule of Planning Applications to be Determined by Committee (Agenda Item 10)**

Members noted the schedule of planning applications.

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**97. 19/01133/FUL - Land North of Stoke Farm, Barrow Water Lane, Charlton Musgrove (Agenda Item 11)**

***Application Proposal: The erection of a single dwelling, access, landscaping and ancillary works.***

The Planning Consultant presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site and proposed plans. He explained that the application was for a replacement dwelling with the existing dwelling on site to be demolished.

He also informed members that the original application had included the proposal of a new driveway and access but this has since been removed. It is therefore proposed to make use of the existing access which currently serves the existing house and farm buildings.

The Planning Consultant confirmed the application site was not within a conservation area or area of outstanding beauty and that the proposed new dwelling would be approximately 400 metres north of the existing dwelling.

He suggested the main key consideration is the principle of development and the Local Plan Policy HG8 referring to replacement dwellings. With the aid of slides explained in further detail the policy position and that members consider whether this proposal is deemed acceptable in terms of visual amenity and character of the area.

He also clarified that no objection had been received from the Garden Trust as the site is close to Redlynch Park a Grade II registered parks and gardens. He said that high quality materials were to be used and that a comprehensive strategic landscape scheme had been submitted which included a great deal of reinstatement of hedgerows and new woodland in keeping with the character and surrounding land.

He also highlighted the importance of the S106 legal agreement which would include:

- Rescind the extant permission.
- Ensure that if permission is granted that within 3 months the existing dwelling must be demolished in its entirety.
- Ensure permanent closure of the accesses onto the B3081.

The Planning Consultant also updated members that since the report had been written he had received legal advice regarding clause 'E' within the S106 legal agreement preventing further applications be submitted for new agricultural dwellings. Legal had advised that this would be difficult to enforce as everyone has the right to submit new applications for development, each application would of course be looked at on its own merit.

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 as set out in the agenda report, subject to the deletion of Clause 'E' within the S106 agreement.

In response to questions, the Planning Consultant advised members that the current access points were in private ownership and that there are no agricultural ties on any of the buildings within the site.

Councillor Roger Bastable, Ward member believed the proposed dwelling was in open countryside and sited along way from the existing farm buildings. He would have no objection for development of the original site but if approved this application would set a precedent for building within open countryside.

The applicant then addressed the committee. She noted the already approved extant permission which she believed was in a much more prominent position, and that this application was simply to relocate the dwelling to a less visible location in the surrounding countryside. Her comments also included:

- Shepton Montague Parish Council were in support of the application.
- This site was 8 metres lower, in more sheltered area with less impact on the surrounding landscape and hidden from key views.
- Agreed to close existing accesses and commitment to rescind the existing permission.

- There are many ecological benefits of this scheme including helping to alleviate flooding, supporting biodiversity and a commitment to improve the ecological quality of the farm and neighbours.
- The proposed materials and design will create an authentic country house and consider this a vast improvement from the extant permission.
- Proposal greatly exceeds government energy targets and the ability to use cutting edge eco technology.

The agent also addressed the committee. His comments included:

- Replacement dwelling Policy HG8 clearly allows for the principle of development that allows development in the most appropriate site to minimise the landscape impact, this application clearly does.
- EQ2 design policy successfully addressed.
- There are many benefits to this application which clearly go above and beyond to create a range of benefits including ecological benefit.
- Noted concern regarding landscape impact however, comprehensive strategic landscape scheme had been submitted and fully supported.
- Applicants have agreed to remove and close other existing access points therefore addressing concerns raised by the local community.
- All benefits secured in a legal agreement including the commitment to the demolition of existing farm buildings.

During discussion, the majority of members supported the application. Their comments included:

- It was an excellent design with great architectural quality which would enhance the area.
- There was a clear commitment for ecology and climate change with an excellent landscape scheme with many benefits.
- Advised on the ecology issues and management of the wild flower meadow within the site.
- Raised concern regarding the lack of agricultural ties to the farm dwellings and concern for the future.

In response to questions, the Planning Consultant and Lead Specialist, Planning clarified to members

- The permitted development rights for agricultural buildings and the prior notification process.
- Did not consider it reasonable to remove these permitted development rights, explaining that they are available to all farm owners throughout the country and to isolate this site would be unreasonable to do so.
- Clarified the current government policy regarding agricultural ties and that there was no longer any agricultural ties on any of the dwellings within the site.

It was then proposed and subsequently seconded that the application be approved, as per the officers recommendation as set out in the agenda report with the deletion of Clause 'E' within the Section 106 legal agreement. On being put to the vote this was carried by 10 votes in favour, 1 against and 1abstention.

**RESOLVED:** That planning application 19/01133/FUL be **approved** as per the officer report, subject to conditions, for the following reason;

Permission be granted subject to the prior completion of a section 106 agreement (in a form acceptable to the Council's Solicitor) before the decision notice granting planning permission is issued to secure:

a) the rescinding / revocation of the extant 2009 permission for, not only the erection of that approved dwelling, but also in respect of the single large replacement agricultural building that formed part of that permission.

b) within 3 months from the date of occupation of the new replacement dwelling (such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants prior to said occupation commencing), the demolition of the existing farm house (and all associated garaging/outbuildings) and those existing agricultural buildings on the farm holding as identified for removal on the submitted Plan ref: 409\_A4\_001\_Demolition Plan\_Rev A, together with the removal of all materials from the farm holding resulting from said demolitions, other than those materials to be crushed and used for recycling purposes such as hardcore/aggregate as part of the sub-base of the new dwelling, for hardsurfacing of new trackways, new gates or fencing, or for other recycling purposes the details of which shall be notified to and agreed in writing by the Local Planning Authority.

c) the permanent closure of all existing accesses onto the farm holding (identified by the land edged blue on the submitted Site Location Plan no. 13127/001 Rev A) from the B3081 within 3 months of the date of occupation of the new replacement dwelling, such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants prior to said occupation commencing. The means of such permanent enclosure shall be by means of hedgerows and tree planting to match existing boundary hedges and woodland in the locality, the details of which shall be previously submitted to and approved in writing by the Local Planning Authority, including the timetable for the carrying out of such planting and means of future management and maintenance.

d) the carrying out of all proposed planting of woodland, trees, hedges and wildflower meadows on the farm holding as a whole in accordance with the approved Planting Plans nos. PP01 and PP02 and, together with retained hedgerows and trees, their subsequent management and maintenance in accordance with the details indicated on the drawing and document 'Stoke Farm - Management Notes' dated 2nd August 2019 prepared by Greenbook Landscape Design, or alternatively any proposed amended new landscaping, management and/or maintenance schemes to be carried out on the farm holding the details of which shall be previously submitted to and approved in writing by the Local Planning Authority by means of applications submitted under Section 73 or Section 96A of the Town and Country Planning Act 1990 (as amended), whichever form of application is deemed appropriate by the Local Planning Authority.

If within a period of ten years from the date of the completion of the dwelling or completion of the approved landscaping scheme (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare

root plants), following the removal, uprooting, destruction or death of the original trees or plants.

And for the following reason:

01. The proposed replacement dwelling in this rural location outside the development limits of any settlement, by reason of its size, scale, design and materials, would cause no demonstrable harm to the setting of any designated heritage asset (Redlynch Park) and would cause no significant or demonstrable adverse impact on the general character and appearance of the area, residential amenity, highway safety, flood risk or biodiversity. Due regard is also given to the extant 2009 appeal decision which has allowed the erection of a replacement dwelling and large agricultural building elsewhere on the Stoke Farm agricultural holding. As such the proposal accords with Policies SD1, SS1, SS2, HG8, EQ1, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF.

**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. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

- o Drawing no. 13127/001 Rev A: Site Location Plan
- o Drawing no. 13127/003 Rev A: Proposed North Elevation
- o Drawing no. 13127/004 Rev A: Proposed West Elevation
- o Drawing no. 13127/005 Rev A: Proposed South Elevation
- o Drawing no. 13127/006 Rev A: Proposed East Elevation
- o Drawing no. 13127/007 Rev B: Proposed Ground Floor Plan
- o Drawing no. 13127/008 Rev B: Proposed First Floor Plan
- o Drawing no. 13127/009 Rev A: Proposed Second Floor Plan
- o Drawing no. 13127/010 Rev A: Proposed Roof Plan
- o Drawing no. 13127/011 Rev A: Proposed Site Plan
- o Drawing no. 13127/012: Car Port Plans and Elevations
- o Drawing no. 13127/013: Proposed Section A-A
- o Drawing no. 13127/014: Building Overlay
- o Drawing no. 409\_A4\_001\_Demolition Plan\_Rev A: Buildings to be demolished
- o Drawing no. MP01 Rev C: Masterplan
- o Drawing no. MP02 Rev C: Masterplan
- o Drawing no. PP01: Planting Plan
- o Drawing no. PP02: Planting Plan
- o Planting Management document entitled "Stoke Farm - Management Notes" dated 2nd August 2019 prepared by Greenbook Landscape Design
- o Ecological Survey results in a Letter dated 20th May 2019 prepared by Grass Roots Ecology Ltd - ecological considerations,
- o Sustainability Summary report dated 2nd August 2019 prepared by AADNunn Energy Assessors

- o SAP Report Submission for Building Regulations Compliance dated 2nd August 2019 prepared by AADNunn Energy Assessors.

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

03. 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, barrier tape shall be tied to/fixed along the whole length of the existing field boundary fencing alongside the proposed new access driveway to be used during the phase(s) of construction. Such barrier tape shall remain tied to/fixed to said boundary fencing in its entirety for the duration of the construction of the development and shall only be moved, removed or dismantled prior to completion of the development with the prior written consent of the Local Planning Authority.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

04. No removal of potential bird nesting habitats, comprised of hedgerows, trees, scrub, shrubs and ruderal vegetation, or works to or demolition of any buildings or structures, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before works proceed and vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

05. Notwithstanding the details indicated on the submitted drawings, prior to construction of any part of the dwelling hereby permitted above slab level/ground floor level, a schedule of materials and (colour) finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:

(a) details of all materials to be fixed to the roofs of the dwelling and car port, including the type, size, colour and profile of natural slate, together with type, colour and profile of ridge tiles;

(b) a sample panel of the type of stonework, type of pointing and the mortar to be used, measuring not less than two square metres, shall be provided for inspection and written approval by the Local Planning Authority prior to the construction of any new walls and thereafter kept on site for reference until the stonework is completed. Machine cut faces shall not be used in the walls or for quoin stones;



(c) the colour and finish of the timber cladding/weatherboarding to be used on the car port and a drawn section to show its profile, lapping and finish;

(d) elevational, plan and vertical sectional drawings at an appropriate scale of all external windows (including dormer windows) and doors indicating details of their design, appearance (including thresholds), profiles, position in wall reveals, opening lights (if any), materials, finish and colour, including their method of opening, and materials and finish of all lintels and sills;

(e) constructional details at an appropriate scale of all eaves, verges and barge boards. Unless otherwise agreed in writing by the Local Planning Authority, all new (and any subsequent replacement) fascia boards shall be fitted tight to the wall face and the barge shall be finished either with a close fitting timber board or the wall finish taken directly up to the underside of the roof covering;

(f) the locations, heights, sizes, materials of construction and colour finishes of all flues, ducts, rainwater goods, external vents, extracts, meters and any other external attachments;

(g) the type, size, siting and method of fixing of all rooflights to be used. All rooflights shall be fitted flush to the roof plane wherever possible; and

(g) materials, design, appearance and (colour) finish of all railings, decorative metalwork and other decorative features.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: To enable the Local Planning Authority to consider the details of all external finishing materials prior to their installation/construction at an appropriate stage in the course of the development to ensure that the development displays good design practise and reflects local distinctiveness, having due regard to safeguarding visual and residential amenity and designated historic assets and in accordance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. Prior to the commencement of any works to demolish the existing farm house, a 'Bat Mitigation Strategy' shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include, but not exclusively, a copy of the Natural England European protected species licence for the existing farm house and details of the proposed roost construction within the car port hereby permitted.

The car port shall be constructed in strict accordance with the approved 'Bat Mitigation Strategy' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Prior to occupation of the dwelling hereby permitted, a 'lighting design for bats' shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting, including any amenity or security lighting, will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

08. Prior to occupation of the dwelling hereby permitted, a scheme of foul drainage and effluent disposal shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution, having regard to Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. Prior to occupation of the dwelling hereby permitted, a scheme of surface water disposal from all new buildings and hardened areas shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution and flooding, having regard to Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. The dwelling hereby permitted shall not be occupied until an electric vehicle charging point (EVCP) rated at a minimum of 16 amps has been provided for within its associated garage / parking space. Such provision shall be in accordance with details indicating the siting, design, rating and appearance of the EVCP which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of an EVCP for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. The landscape planting scheme set out on the submitted drawings nos. PP01 and PP02, both titled "Planting Plan", prepared by Greenbook Landscape Design shall be fully implemented and thereafter retained and maintained. 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 first occupation of any dwelling or the completion of the development, whichever is the sooner.

Reason: To safeguard the character and appearance of the area, and to accord with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

12. For a period of ten years after the completion of the landscaping scheme pursuant to condition 11, the newly planted trees, hedges and shrubs, together with retained trees and hedges, shall be protected and maintained in a healthy weed free condition and in accordance with details set out in the document "Stoke Farm - Management Notes" dated 2nd August 2019 prepared by Greenbook Landscape Design.

Any new or retained trees, hedges or shrubs that cease to grow or are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, shall be replaced by trees, hedges or shrubs of similar size and species, or other appropriate trees, hedges or shrubs as may be approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. Within three months from the date of first occupation of the new dwelling hereby permitted (such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants/developer prior to said occupation commencing), the existing dwelling (and all associated garaging/outbuildings) and those agricultural buildings to be demolished as indicated on the submitted Plan ref: 409\_A4\_001\_Demolition Plan\_Rev A shall be demolished and the site reinstated to form part of the agricultural land within the Stoke Farm agricultural holding.

Reason: In the interests of visual amenity and sustainable development in accordance with Policies Hg8 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 1, Class D (porches)
- (e) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- (f) Part 1, Class F (hardsurfaces);
- (g) Part 1, Class G (chimney, flues, soil or vent pipes);
- (h) Part 1, Class H (microwave antenna);
- (i) Part 2, Class A (gates, fences, walls or other means of enclosure);
- (j) Part 2, Class B (means of access to a highway);
- (k) Part 2, Class C (exterior painting);
- (l) Part 14, Classes H and I (wind turbine for microgeneration).

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions to the dwelling, to ensure there is no resultant detriment to ecological, environmental and biodiversity interests and to safeguard on-site parking and circulation areas; having regard to Policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

**Informatives:**

**01. CIL**

Please be advised that approval of this application 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)

**02. Bats and Roosts**

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

Development should not commence (including any site clearance and demolition works) until demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats by a licensed bat ecologist.

**03. Lighting**

In respect of condition 07, light could cause nuisance to ecological interests. Any lighting should be screened to minimise direct illumination falling on land outside of the development. Appropriate shields, baffles, louvres or diffusers should be installed prior to their use to ensure that nuisance to nearby properties is minimised. As well as giving consideration to direct glare, any lighting scheme shall also take into account upward reflection. Any lighting scheme should be designed in accordance with the Institute of Lighting Engineers "Guidance Notes" for the Reduction of Light Pollution (2011) or similar guidance recognised by the Council, and also Guidance Note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

(voting: 10 in favour, 1 against, 1 abstention)

98. **19/01462/FUL - 11 Balsam Fields, Wincanton BA9 9HF (Agenda Item 12)**

***Application Proposal: The erection of an attached dwelling and formation of associated parking.***

The Planning Consultant presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site and proposed plans. He updated members that the proposal was for a two-bedroom dwelling and not three-bedroom dwelling as stated in the agenda report.

He referred to the key consideration being the principle of development, the impact on visual and residential amenity and Highway safety. He clarified that there had been other 'infill' development within the vicinity, the proposal was in line with the current building line, that there was sufficient additional associated parking and that the highways authority had not raised any objections.

He updated members that one additional letter of objection had been received reiterating concerns already raised including traffic congestion and the imposing nature on the neighbour to the east.

The Planning Consultant therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, his proposal was to approve the application.

In response to questions, the Planning Consultant said that each application must be considered on its merits but there must also a consistency in decision making.

A member of the public then spoke in objection to the application. She believed that this proposal would de value her house as it would now become an end of terrace and not semi-detached as it now stands. She also raised concern regarding the parking issues already in the area and that this proposal would only exacerbate the issue. She also raised concern regarding location of refuse bins and the unsightly problem this would have on the streetscene.

The applicant then addressed the committee. He said the site was within walking distance of the town and that there were 'infill' developments already permitted in the area. The proposed associated parking would take existing vehicles off the road and that the proposed materials were in keeping with the character of the houses already in the area. He believed the proposal to be a modest two-bedroom home that would benefit first time buyers and add to the housing supply.

Both Ward members Councillor Nick Colbert and Councillor Colin Winder could see no policy reasons to refuse the application and therefore on balance would support the application.

During a short debate the majority of members voiced their support of the application and it was therefore proposed and subsequently seconded that the application be approved, as per the officers recommendation as set out in the agenda report. On being put to the vote this was carried by 10 votes in favour, 0 against and 2 abstentions.

**RESOLVED:** That planning application 19/01462/FUL be **approved** as per the officer report, subject to conditions, for the following reason;

01. The proposal, by reason of its design and layout, represents appropriate infill that is responsive to the established built form and character of the area, and does not cause demonstrable harm to visual amenity or residential amenity and is therefore in accordance with Policies SD1, SS1, EQ2, TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

**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. The development hereby permitted shall be carried out in accordance with the following approved drawings:

- Drawing no. PL4109/1 - Location Plan.
- Drawing no. PL4109/2 - Existing Block Plan.
- Drawing no. PL4109/3 - Existing Plans.
- Drawing no. PL4109/4A - Existing Elevations.
- Drawing no. PL4109/5 - Proposed Block Plan.
- Drawing no. PL4109/6 - Modifications in Existing Dwelling.
- Drawing no. PL4109/7 - Proposed New Dwelling Plans
- Drawing no. PL4109/8A - Proposed Elevations.
- Drawing no. PL4109/9A - Proposed Section.

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

03. Notwithstanding the details indicated on the submitted drawings, prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan and relevant guidance in the NPPF.

04. Prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, a scheme of hard and soft landscaping, as well as details of any changes proposed in existing ground levels, shall be submitted to and approved in writing by the Local Planning Authority.

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: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

05. Prior to occupation of the dwelling hereby permitted, a scheme of foul drainage and effluent disposal shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution, having regard to Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. Prior to occupation of the dwelling hereby permitted, a scheme of surface water disposal from the new dwelling and all hardened areas shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution and flooding, having regard to Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Prior to any vehicular use of the new parking spaces hereby permitted, the parking spaces and vehicular accesses thereto shall be constructed and completed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include and confirm the following:

- a) Each parking space to measure 4.8 metres x 2.4 metres;
- b) Each parking space to be properly consolidated and surfaced (not loose stone or gravel) and delineated, the details of such hardsurfacing materials and methods of delineation to be submitted to and approved in writing by the Local Planning Authority;
- c) The installation of drainage measures to the rear of the pavement (such as an ACO drain leading to a private soakaway) to ensure that surface water from the parking spaces does not discharge onto the highway;
- d) The gradients of the proposed parking spaces shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;
- e) The provision of a 2.4m back and parallel visibility splay across the whole site frontage with no obstruction greater than 600mm within the splay; and
- f) The creation of dropped kerbs installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the parking spaces as a whole.

Thereafter such approved details shall be retained and maintained in perpetuity.

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. The parking spaces hereby permitted shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles)

incidental to the occupation and enjoyment of the particular dwelling to which they serve, and kept permanently free from any other forms of obstruction.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. The dwelling hereby permitted shall not be occupied until electric vehicle charging points (EVCP) rated at a minimum of 16 amps have been provided for within one of its associated parking spaces and within one of the parking spaces to be used by no. 11 Balsam Fields. Such provision shall be in accordance with details indicating the siting, design, rating and appearance of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of EVCP's for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 2, Class A (gates, fences, walls or other means of enclosure);
- (e) Part 2, Class B (means of access to a highway).

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions or roof alterations to the dwelling that would cause unacceptable detriment to the residential amenities of neighbouring properties, and to safeguard on-site parking and circulation areas; having regard to Policies EQ2, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

#### **Informatives:**

##### **01. CIL**

Please be advised that approval of this application 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)

**02. Highway Works**

The applicant will be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and the applicant is advised to contact Somerset County Council at least four weeks before starting such works.

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Chairman