

## South Somerset District Council

**Minutes** of a meeting of the **Regulation Committee** held at the **Virtual Meeting using Zoom meeting software on Tuesday 20 April 2021.**

(10.00 am - 12.35 pm)

**Present:**

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

Jason Baker	Andy Soughton
Adam Dance	Paul Rowsell
Tony Lock	Linda Vijeh
Sue Osborne	Tony Capozzoli
Crispin Raikes	William Wallace
David Recardo	

**Other members:**

Dave Bulmer  
Jenny Kenton  
Martin Wale

**Officers**

Jo Boucher	Case Officer (Strategy & Support Services)
Sarah Hickey	Senior Planning Lawyer
Colin Begeman	Principal Planner (Development Management)
Barry James	Interim Planning Lead Specialist
Martin Lee	Specialist - Principal Planner, Service Delivery
Matthew Loughrey- Robinson	Accelerated Housing Delivery Programme Manager

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### 133. Minutes (Agenda Item 1)

The minutes of the Regulation Committee meeting held on 21<sup>st</sup> July 2020, copies of which had been circulated, were agreed as a correct record and would be signed by the Chairman.

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

Apologies for absence were received from Councillor Henry Hobhouse who was substituted by Councillor Tony Capozzoli.

Apologies for absence were also received from Councillor Neil Bloomfield and Councillor Martin Cavill.

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

There were no declarations of interest.

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

There were no questions from members of the public.

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**137. Schedule of Planning Applications (Agenda Item 5)**

Members noted the schedule of planning applications.

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**138. Planning Application 16/02874/FUL Land Adjoining Holbear Forton Road Chard TA20 2HS (Agenda Item 6)**

***Application Proposal: The erection of 252 No. dwellings with associated access and infrastructure.***

The Specialist, Principal Planner presented the application as detailed in the agenda. He reminded members that this application had been deferred from a previous Regulation Committee for the reasons as set out in the agenda report. He clarified that all these reasons have now been addressed.

He also updated members on the following:

- Proposal should be amended to read 'one bedroom houses' and not 'one bedroom apartments'.
- Affordable housing contribution is now for 88 units and not 110 as originally sought due to reduction in overall housing, nonetheless was still policy compliant.
- Approved plans list to be updated to reference latest plans.
- One further letter of objection had been received since the report had been written, in relation to potential impact on a nearby dwelling and boundary treatment.
- Original application had two highway points, however this application proposes vehicular access solely from Tatworth Road. Access from Forton Road was now limited to pedestrian/cycle and emergency access until such time as the next phase of the eastern relief road is ready for connection.
- Ecological issues raised have now been addressed by latest revised layout.
- Football pitch issue now been resolved through a transfer of land to the council to go along with a parcel of land to provide this facility as part of the wider sports strategy.
- Sport England have withdrawn their concern regards pedestrian access acknowledging a strategic contribution is to be made.
- As the site overlaps with both South West Water and Wessex Water the developer has selected and agreed that sewerage disposal be connected to the Wessex Water network and disposed outwards towards the River Axe, therefore there is no phosphate impact from this development.
- No issues raised from Somerset Archaeology.
- Local Lead Flood Authority (LLFA) are now content with the surface water attenuation design and method of disposal.

The Specialist also highlighted the site was part of the housing allocations along the eastern side of Chard and it is not caught by the phosphates issue. He also noted amendments to the proposed schedule of conditions being:

- Conditions 6,7,8 and 13 as set out in the agenda report and relate to the introduction and agreement of the phasing scheme.
- Condition 14 to be removed.
- Informative no. 1 to be amended to refer to correct condition numbering.

The Accelerated Housing Delivery Programme Manager then provided a short summary on the Strategic contribution the development site would provide and with the aid of a map showed members the Chard Framework development growth area including highway infrastructure and phasing plan.

He reported this site would provide 35% affordable housing equating to approximately 88 units and that sites further to the north would be affected and ultimately delayed as they would be captured by the mitigation strategy regarding the current phosphates issues. He confirmed that the Council's current 5 year housing land supply has been calculated at 6.03 years.

The Specialist, Principal Planner, Accelerated Housing Delivery Programme Manager and Interim Planning Lead responded to members' questions on points of detail which included the following:

- Confirmed the adjoining site due to difference in ground levels is currently affected by the mitigation strategy and therefore caught under the current phosphate issue.
- A travel plan has been agreed with SCC and as part has been agreed to minimise the use of private cars and encourage the use of other forms of transport
- Contributions have been sought for education and provided through the Section 106 agreement.
- The location for the first primary school is not allocated or required within this site.
- Confirmed the four reasons that this application was previously deferred have now been addressed.
- Clarified the traffic survey undertaken in 2016 was the most up to date traffic modelling available. The Council were currently undertaking a review and had appointed highway consultants to look at the district wide highway delivery including the eastern relief road in Chard. He understood the information, so far, had indicated the main junction was at capacity and therefore the applicant has been asked to look at other modes of transport and promote other routes of commuting through Chard. He wished to highlight however the main statutory consultee SCC did not think is reasonable to refuse the application on highways.
- Clarified the original application submitted was for well over 300 dwellings however this has now been reduced to 252 to improve the character, quality and overall improved design of the development.
- Confirmed that should the application being approved a condition be included to include electric charging points located within the site.
- Cannot impose a condition requiring a contribution directly towards health. Such contributions must be secured by a Section 106 legal agreement. CCG response frustrating due to the lack of detail on the financial sums sought and the physical

infrastructure to which such funds would contribute. Clarification is being sought from the CCG.

Councillor Martin Wale, Ward member then addressed the committee and raised a number of comments including:

- Acknowledged the site is part of the Chard Regeneration scheme and local plan and had been allocated for housing development for many years with no CIL requirement.
- Raised concerns regarding the existing traffic congestion at the main Chard junction which was already over capacity and the safety implications within the Chard highway network taking into account the cumulative impact of permitted and proposed developments as highlighted previously by Area West Committee.
- Raised concern regarding the design of the proposed scheme located in such a prominent site within Chard town.
- Acknowledged the main issues previously raised had now been covered by conditions. However believed a larger 'buffer zone' could have been provided on the north eastern corner of the site.
- Concerned that the local schools and local doctors surgery do not have sufficient capacity to meet the additional demands this development will bring.
- The scheme is not in accordance with the phasing of the Chard local plan.
- Not against development but this proposal does not enhance the area or provide high quality housing.
- A number of concerns still unanswered and that a decision on this application should not be made until further information was presented on a number of issues.

Councillor Jenny Kenton supported the concerns of the other ward member and also raised concern regarding the Covent Link junction and the impact of the traffic increase within the area. She questioned the capability of these homeowners to use other forms of transport.

Councillor Dave Bulmer, adjacent Ward member also raised concerns regarding the application, these included:

- Existing traffic congestion at the main Chard junctions which was already over capacity.
- Believed the traffic modelling exercise was inadequate and reality was that the volume of traffic at the Covent Link junction was already severe. He believed the traffic plan to mitigate these issue was questionable and would not solve the traffic issues within the town.
- Raised concern regarding the cummalative impact that not only this development, but other proposed sites within the area, would have on the local schools which were already at capacity.
- Felt there was a lack of clarification on progress in delivering facilities in Chard for which educational contribution is sought.
- Believed the layout at the northern end of the site required further amendment, to ensure it provides appropriate access for maintenance of the retained mixed barrier hedge.

In conclusion he requested that the committee defer this application for further negotiations with the applicant, Highways Officers, Education officers and SCC and SSDC to negotiate an acceptable scheme that addresses the issues raised.

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

- Believed the layout, design and density of the north eastern corner of the site had not been improved since the originally application in 2018 and was arguably worse.
- Inadequate wire mesh fence proposed along the existing boundary being impossible to maintain.
- Referred to other Persimmon developments that provided more suitable and adequate green spaces than this development.
- Questioned the inadequate Wildlife impact study.
- Does not believe the developer has fully identified and addressed the issues previously raised in 2018.
- Poor quality of layout and design and have a harmful impact on the amenity of existing dwellings especially at Holbear.

The Applicant then addressed the committee and raised comments in support of the application, including:

- Since 2018 the developer had worked closely with officers to address previous issues raised.
- The site is allocated for housing within Chard and the adopted local plan.
- Noted that the proposed number of homes had now been reduced from 315 to 252, and accords with the levels within the Chard plan.
- Introduced additional green space throughout the site with improved streetscene and parking.
- Development will delivery significant investment in highway infrastructure and noted no objections had been raised from highway authority.
- Development will provide 35% affordable housing equating to 88 units.
- Formal play area is provided on site.
- Financial contribution towards education provision and travel planning.
- Agreed a transfer of land at Badgers Lane that will support a sports pitch provision.
- This development does not impact or is affected by the phosphates issue.
- Believes the development will deliver much needed homes for the area including affordable housing.

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

- The scheme is not in accordance with the phasing of the Chard local plan.
- Acknowledge this site is identified for development with the local plan, however still have concerns regarding the highways issue already raised with no adequate solution or sufficient survey completed.
- Believed there were a number of concerns still unanswered and that a decision on this application should not be made until further information can be provided.
- Believed further clarification was required on the progress in delivering facilities in Chard for which education contribution is sought.
- Questioned the ability to deliver the 35% of affordable housing.
- Believed there were many issues still outstanding and could not make an informed decision on the application until all information had been presented.

- Acknowledged local concerns raised, however, noted the Statutory Consultee for highways have raised no objection.
- Questioned the ability that alternative methods of transport could be the main source of travel, when in reality the use of cars will be the main mode of transport.

Following a further discussion, members supported concerns raised regarding the safety implications and impact of the capacity of junctions within the Chard highway network. They also raised concern regarding the educational contribution sought on future educational facilities.

It was then proposed and seconded to defer the application so that a strategic report on the safety and traffic implications of the Chard highway network and further clarification on educational facilities be sought.

The Legal Specialist advised members that should the information they require be made obtainable, she believed members were within their rights to defer a decision on this application, until further information can be provided. She advised that it would be a reasonable expectation that on this second hearing of the matter that any issues that are foreseeable should be raised now and dealt with at this point rather than deferral for a third time.

The Interim Planning Lead confirmed that although this was not in the applicant's gift this was something that can be provided as regards the cumulative impact of developments already in place and approved.

A member also felt that as that there was no guarantee that this report could be provided he proposed that the application be approved as per the officer's recommendation, this was subsequently seconded.

The Chairman then took the first proposal which was to defer the application for the following reasons:

1. A strategic report on the safety implications for and capacity of junctions within the Chard highway network taking into account the cumulative impact of permitted and proposed developments (in accordance with a previous request from Area West Committee).
2. Further clarification on progress in delivering facilities in Chard for which educational contribution is sought.

On being put to the vote this was carried by 7 in favour, 4 against and 0 abstentions.

**RESOLVED:**

That Planning Application 16/02874/FUL be deferred for the following reason:

1. A strategic report on the safety implications for and capacity of junctions within the Chard highway network taking into account the cumulative impact of permitted and proposed developments (in accordance with a previous request from Area West Committee).
2. Further clarification on progress in delivering facilities in Chard for which educational contribution is sought.

(voting: 7 in favour, 4 against, 0 abstentions)

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**139. Planning Application 19/02245/OUT Land At Lawrence Hill Wincanton Somerset BA9 9RT (Agenda Item 7)**

***Application Proposal: Outline application with all matters reserved save for access from A371 - Lawrence Hill for Light Industrial (Use Class B1), general Industrial (Use Class B2), Storage & Distribution (Use Class B8) & Residential Development (Use Class C3) with associated works***

The Specialist, Principal Planner presented the report and updated members on the conditions list. This being that Condition 2 should be removed as it is duplicated by condition 4 and Condition 18 and 19 concerning ground investigations are not required.

He confirmed this was an outline application with all matter reserved part from the access off Lawrence Hill and highlighted the key consideration being; outline application with access for consideration, Principle of Development, Highways, Landscape setting, Ecology, Flooding and Viability.

Other updates included:

- All statutory consultees had responded positively.
- Eight letters of objection had been received and summarised the comments made, including:
  - Wincanton cannot cope with another development
  - The town had exceeded its housing allocation
  - Facilities within the town such as health centres and schools cannot cope with additional people
  - Brownfield sites available for development
  - Inadequate bus services available
  - Inadequate access for construction and emergency vehicles
  - Safety highway implications
  - Landscape concerns.

With the aid of a powerpoint presentation the Specialist, Principal Planner then proceeded to show the site and proposed plans.

He confirmed the applicant had submitted a Viability report which included two appraisals, one including 35% affordable housing and one with zero affordable housing. This has been reviewed by the District Valuer who concludes that neither scenario was viable.

He also highlighted that:

- The applicant was prepared to enter into a Section 106 legal agreement incorporating financial contributions towards education, public open space and travel planning but without any affordable housing thereby accepting lower profit margins.

- Wincanton is one of the few areas within the District that does not fall within the catchment area of the Somerset Level and Moors Ramsar site and therefore does not contribute to the phosphates loading and acceptable to bring the proposal forward.
- The residential part of development is supported by the Wincanton Neighbourhood Plan.
- Employment land is beneficial to Wincanton with a phasing condition to be imposed to ensure this comes forward for delivery.

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

In response to questions the Specialist, Principal Planner confirmed the only vehicular access at present was at one point, however at reserve matters the applicant may propose an additional access point at Crocker Way.

The Agent then addressed the committee. He highlighted this was an outline application for mixed development in the direction of growth for Wincanton. He said the current proposed access was via Primrose Hill will all other matters reserved. He noted there were no objections from any statutory consultees and that the applicant will make a considerable financial contribution towards education and local leisure but without any affordable housing thereby accepting lower profit margins. He believed the development would obtain strategic growth in a sustainable manner and provide jobs and homes for the town.

The Specialist, Principal Planner also confirmed that conditions can be imposed at reserve matter stage to include electric charging points and consideration of solar panels to provide alternative form of green energy.

There being no further debate it was then proposed and subsequently seconded to approve the application per the officer's recommendation and as set out in the agenda report and with the amendments to the conditions as previously stated. On being put to the vote this was carried unanimously.

**RESOLVED:**

The Planning Application 19/02245/OUT be conditionally approved subject to a Section 106 Agreement relating to financial contributions to Education, Leisure, Travel Plan and provision of a LAP totalling £733,282.00.

01. The proposed development will provide employment and housing in a sustainable location enhancing the role of Wincanton as a Primary Market Town and without harm to the character and amenities of the area, landscape, highway safety or ecology. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028), the Wincanton Neighbourhood Plan (2018) and the aims and objectives 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: As required by Section 92(2) of the Town and Country Planning Act

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

- Site Location Plan, dated 1st August 2019
- Elongated ICD Roundabout Plan, reference 45188/5501/SK02 Rev D dated 8th February 2021

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

03. Details of the potential secondary access from Crocker Way, appearance, landscaping, layout, and scale of any phase of development hereby permitted (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development within any phase or part thereof. The development shall be carried out as approved.

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

04. Prior to the commencement of development, a phasing programme detailing the timing for the provision of the commercial and residential uses, open spaces and access/off-site works from A371 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that employment development within the strategic direction of growth for Wincanton and open spaces come forward in a timely manner

05. Prior to commencement of development of any phase or part thereof, full details of the construction of the site access and highway works shown on Dwg No. 45188/5501/SK02 Rev D shall be submitted to and approved in writing by the Local Planning Authority. The gradient of the proposed access shall not be steeper than 1 in 10.

Reason: to ensure the appropriate standards of construction of the access to the site and the remodelled roundabout, in accordance with Policies SS6 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

06. Prior to the commencement of the any phase of development or part thereof hereby permitted a scheme, including its detailed design, that makes provision for the disposal of surface water to prevent its discharge onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The agreed provision for each phase shall be installed in conjunction with that phase and thereafter maintained at all times.

Reason: In the interests of highway safety, continued access and flood risk, in accordance with policies SS1, SD1, EQ1 and EQ2 of the South Somerset Local Plan.

07. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays. The visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: in the interests of highway safety.

08. No development of any phase or part thereof shall commence until a Construction Environmental Management Plan has been submitted to and

approved in writing by the Local Planning Authority. The development 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: To ensure the development proceeds in accordance with best practice and any potential negative impacts upon the environment and amenity are mitigated.

09. Prior to the commencement of development a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme will include details of a programme of implementation and maintenance for the lifetime of the development and will aim to enhance biodiversity, amenity value, water quality, pollution prevention and provide flood risk benefit. The drainage scheme shall ensure that surface water runoff is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. There shall be no surface water connection to the foul drainage network. The details required to be submitted shall include:-

- Details of phasing and information of maintenance of drainage systems during construction of each phase.
- Details for provision of any temporary drainage during construction, including demonstrating measures will be in place to prevent unrestricted discharge and pollution to the receiving system.
- 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 (allowing a minimum of 6 metres), the sustainable 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 surface waters.
- Any works required on and 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).
- Flood water exceedance routes both on and off site. The scheme shall demonstrate that no part of the site shall be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 year event (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- 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, relevant management company or maintenance by any other arrangements that will secure the ongoing

operation and maintenance of the system throughout the lifetime of the development.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of protection against flood risk, and to ensure the development is served by a satisfactory, sustainable system of surface water drainage that is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework and Policy EQ1 of the adopted South Somerset Local Plan.

10. The development shall be carried out in accordance with the submitted flood risk assessment (ref 'Land at Lawrence Hill, Wincanton - Flood Risk Assessment' dated 8 August 2019 and letter from Stantec dated 24 October reference 45188/4001/TAU/PJ/AJ/CMq). Finished floor levels are to be set a minimum of 300mm above the 100year event plus 30% flood level as described in the additional information submitted by the agent. Levels must be appropriately interpolated across the site and agreed in writing via the Local Planning Authority.

Reason: to reduce the risk of flooding to the proposed development and future occupants

11. As part of any reserved matters application, a plan showing parking spaces in accordance with the Somerset County Council Parking Strategy shall be submitted to and approved in writing by the local planning authority. Each parking space shall be properly consolidated in the approved manner before any dwelling it is intended to serve is first occupied and shall thereafter be made available at all times solely for the parking of vehicles in association with those dwellings.

Reason: In the interests of ensuring appropriate parking and highway safety for the site, in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

12. Prior to the commencement of development, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include technical details and siting of all proposed external lighting and will demonstrate how areas to be lit will not disturb or prevent the activities of bats. All external lighting shall be installed in accordance with the specifications and locations set out in the agreed strategy, and these shall be maintained thereafter in accordance with the design. No other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of bats, a protected species, in accordance with the provisions of the Chapter 15 of the National Planning Policy Framework.

13. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed.
- (b) Aims and objectives of management.
- (c) Management prescriptions and work schedule.
- (d) Details of the body or organization responsible for implementation of the plan.
- (e) Ongoing monitoring and remedial measures.
- (f) The roles and responsibilities and operations that will be overseen by an Ecological Clerk of Works.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

14. The development shall be carried out in accordance with the scheme of biodiversity and ecological enhancements set out at Section 6 of the Ecological Impact Assessment (July 2019) by Green Ecology.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework and Local Plan Policy EQ4.

15. Prior to the commencement of any works above damp-proof course, details of the external materials for the walls and roofs of the building under construction shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and amenities of the area in accordance with Local Plan Policy EQ2.

16. No building shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory system of foul drainage in accordance with Local Plan Policies EQ1 and EQ7

17. No removal of hedgerows shall take place between 1st March and 15th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the 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.

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan

18. Prior to occupation, 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 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. 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 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

**Informatives:**

01. Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted

For more information, please visit <https://www.somerset.gov.uk/waste-planning-andland/apply-for-consent-to-work-on-an-ordinary-watercourse/>

02. 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, for example in the demolition of the barn, it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

The proposed planting of a hedgerow would suffice to fulfil the National Planning Policy Framework (paragraph 170(d)) requirement for biodiversity enhancement to be provided within development.

03. Please be advised that subsequent full or reserved matters approval by SouthSomerset 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)

(voting: unanimous)

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**140. Planning Application 20/03701/S73A Clapton Farm Solar Park Land West Of Tinkers Lane Southeast Of B3081 Cucklington BA9 9QE (Agenda Item 8)**

***Application Proposal: The erection of solar photovoltaic panels and associated works and infrastructure, including switchgear, inverter stations, access tracks, security fencing, security cameras, grid connection, together with temporary construction access, compound and unloading area (without complying with condition 04 of planning permission 15/03373/FUL and condition 03 of planning permission 18/03338/S73A to extend the operational time to 23rd March 2057).***

The Interim, Planning Lead presented the report and with the aid of a powerpoint presentation highlighted the site and existing solar farm.

He explained this application was merely seeking permission to extend the time period for the operation of the existing solar farm. He said that as a result of market changes and technological advancement this application is seeking an extension of approximately 16 years from the operative permission until 23<sup>rd</sup> March 2057.

He noted that one third party representation had objected to the application as they believe there is no justification to further extend the operational life of the solar park. However he considered that the application supports the Council's Climate change emergency position, The National Planning Policy Framework (NPPF) and Local Plan Policy.

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.

The Agent addressed the committee and confirmed that no further physical development is being proposed. He felt the original landscape mitigation provided, will over time, enhance the area along with the biodiversity benefits and carbon dioxide savings and provide clear environmental benefits.

During a short debate members voiced their support of the application and acknowledged technological advancement and improved efficiency over time. It was then proposed and 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 unanimously.

#### **RESOLVED:**

That application reference 20/03701/S73A be approved for the following reason:

01. The proposal to vary the operational lifespan of the solar farm for a temporary period of up to 40 years from the date the solar farm was first registered with OFGEM is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan.

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

01. The development hereby permitted shall be carried out in accordance with the following approved plans which form part of the planning permission dated 14th December 2018 (ref 18/03338/S73A):

Drawing no. 1088-0200-01 "Site Boundary Plan";

Drawing no. 694-03S "Landscape Proposals";

"Addendum to provide updated Landscape and Ecology Management Plan (LEMP)" dated 10th October 2018; and

"Planning statement" dated 10th October 2018,

together with the following drawings and correspondence which form part of the grant of planning permission dated 17th November 2015 (ref 15/03373/FUL):

1088-0200- 01 Issue 01

1171-0201- 01 Issue 011

1171-0204- 00 Issue 01

1171-0205- 04 Issue 01  
1171-0903- 05 Issue 01  
1171-0206- 15 Issue 01  
1171-0207- 16 Issue 01  
1171-0207- 40 Issue 01  
1171-0208- 10 Issue 01  
1171-0208- 54 Issue 01  
1171-0208- 71 Issue 01,

Colour tones of all associated structures shall accord with the details given in the applicant's letter of the 20 October 2015.

Landscape and Ecology Management Plan (LEMP)

and the details submitted in response to conditions 03, 05, 06, 07 and 08 of 15/03373/FUL and approved by letter dated 16th March 2016 under application ref 15/05612/DOC.

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

02. The development hereby permitted shall cease on 23rd March 2057, or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner. Within 6 months of power generation ceasing, or such other period as agreed in writing, all solar farm structures, materials and any ancillary equipment shall be removed and the land restored to agriculture use, in accordance with a

restoration plan that has previously been submitted to and agreed in writing by the Local Planning Authority. Such details shall include the time scale for decommissioning.

Reason: In the interests of character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

03. 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 in accordance with the approved details and fully implemented and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

04. No means of external illumination/lighting shall be installed within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape character and visual appearance further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

05. Any trees or plant which form part of the approved landscaping scheme set out on drawing number 694-03S that 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 and landscape character further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

(voting: unanimous)

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## 141. Date of Next Meeting (Agenda Item 9)

Members noted the date of the next meeting.

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Chairman

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Date