

South Somerset District Council

Draft Minutes of a meeting of the **Regulation Committee** held on **Tuesday 21st January 2014** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10.00 a.m. – 11.55am)

Present:

Peter Gubbins (Chairman)

Mike Best	Ros Roderigo
Tim Carroll	Sylvia Seal
Nick Colbert	Gina Seaton
Ian Martin	Angie Singleton
Terry Mounter	Paul Thompson
Shane Pledger	

Officers:

Jo Boucher	Committee Administrator
Adrian Noon	Area Leads North/East
Alex Skidmore	Planner
Paula Goddard	Senior Legal Executive

19. Minutes (Agenda Item 1)

The minutes of the meeting of the Regulation Committee held on Tuesday, 15th October 2013, copies of which had been previously circulated, were approved as a correct record by the Chairman.

20. Apologies for Absence (Agenda Item 2)

Apologies for Absence were received from Councillors Tony Fife and William Wallace.

21. Declarations of Interest (Agenda Item 3)

There were no Declarations of Interest.

22. Public Question Time (Agenda Item 4)

There were no questions or comments from members of the public.

23. 13/03272/OUTOutline application for the construction of up to 150 dwellings with new vehicular access from Langport Road. Provision of associated parking, road and drainage infrastructure, a playing pitch, public open space and pedestrian links (all matters reserved except for access) (GR 347594/128390), Land South of Langport Road, Langport Road, Somerton**

The Planning Officer presented the report as set out in the agenda and explained to members that at the meeting of the Area North Committee on 18th December 2013 it was resolved that the application be referred to the Regulation Committee with the recommendation to refuse contrary to the officer's recommendation for the reasons as set out in the agenda report.

With the aid of a powerpoint presentation she proceeded to show members the site and proposed plans. She updated members that four further letters of objection had been received which included the following issues:

- exacerbate the flooding which is barely able to cope at present
- holding pond will only cope in normal conditions
- attenuation pond may deal with the flooding to the benefit of the proposed new development but could make matters worse for the existing properties nearby

In response the Planning Officer explained that she had referred back to the drainage Engineer and had received the following response:

"Whilst I understand the concerns of residents at Farm Drive due to existing flooding problems experienced in this area and their proximity to the proposed development and the main watercourse to which surface water from the site currently drains. Blackthorn Way is not seen as being at risk of flooding and Lower Somerton is some considerable distance downstream.

Planning requirements of the NPPF as far as surface water drainage is concerned are that the rate and volume of run-off from a development should be no greater than the existing greenfield run-off. Design parameters in this respect are to cater for the 1 in 100 year event with a 30% provision for climate change. This is what we will be looking for in respect of this site and the developer's drainage strategy indicates compliance with this. The buffer zone/open space to the south of the site provides ample scope for the proposed attenuation pond with outlet controlled by a Hydrobrake to limit flows into the receiving watercourse.

I have no reason in drainage terms to object to this development."

In conclusion the Planning Officer noted that SSDC did not currently have a five year land supply in place and that although the 150 houses exceeded the 88 still required in the emerging local plan this was the minimum requirement figure. She noted the site was located in the direction of growth for development in Somerton and that although local concerns about drainage were also noted SSDC Engineers, Wessex Water and the Environment Agency had not raised any objections. Wessex Water had acknowledged there were capacity issues locally but these could be addressed by conditions.

Her recommendation was therefore to approve the application for reasons as set out in the agenda report and subject to a Section 106 Agreement.

Referring back to the powerpoint presentation the Planning Officer then proceeded to display photographs received from one of the objectors to the application.

In response to questions, members were informed that:

- Planning permission had recently been approved for 133 homes at the nearby Northfield site
- Confirmed the land was grade 3B agricultural land, this information had been derived from the applicant but she had no reason to believe otherwise

Ward member, Councillor David Norris expressed his concerns over the proposed development including:

- expansion would distort the town and the infrastructure could not cope
- proposed 150 houses was already 62 over and above the 88 requirement of the Local Plan
- the town's Community Plan which had taken a considerable amount of time and consultation with the locals had recommended the town should look to grow by approximately 39 properties
- had not taken into account the 130 houses already approved at the Northfield Site
- car parking within the town was already stretched and therefore extra traffic would only exacerbate the situation
- believed the Council's provision for five year land supply was now secured and therefore should the application go to appeal the Council would not be liable for costs

Ward member, Councillor Pauline Clarke concurred with her fellow ward member and said she lived in Somerton and therefore had experienced the drainage and flooding problems of residents first hand. She said due to the topography of the site surface water run off would exacerbate the existing flooding issues of residents nearby. She reported that there was no space in the two schools at present and that the doctor's surgery would not be able to cope with the additional population.

Members were addressed by Caroline Adams on behalf of Save our Somerton, Margaret Chambers, Pamela Short and Barry Yates who all spoke in objection to the application. Their comments included:

- not against housing development if there was the need and suitable number of dwellings
- this development along with the Northfield site would create additional pressure on services, and create increase in traffic and parking issues
- this land was prone to flooding and this development would only worsen the current situation
- site is 25 minute walk from town centre and in places there are no pavements or crossings
- impact it would create on the overcrowding of the local schools
- loss of green field site
- the development would worsen the situation with surface water run-off draining into existing local properties
- existing drainage system needs to be upgraded before further development is approved
- local schools already over-subscribed
- development would be detrimental to the effect of medieval town
- there is sufficient land to the north of Langport Road

- main road in and out of Somerton with insufficient walkways therefore concern for highway safety
- no secondary school in Somerton, where would these children go?
- Referred to the population figures of the Somerton Census 2011, indicating that it would increase the population by 800 people or 17%, at least 150 of these to be of school age
- density of site too high, 35 dwellings to hectare instead of the recommended 30 per hectare

Mr Simon Fitton, agent, appreciated the pressures of the Council on their five year land supply and reported that this application had been three years in the making. He said they had made presentation to the Town Council and that although the proposed housing was 62 over the Local Plan requirement, it was not excessively so. He said there had been no objection with the landscape impact and residents would benefit from a new adult sports pitch.

In response to queries and comments made, the Area Lead clarified to members:

- refusing on an assumed density of 35 dwellings per hectare at this stage would be indefensible at appeal, and the decision regarding density should be made at reserved matters
- believed the flood zone maps used were sufficiently precise to indicate the water flow of the area, the proposed drainage would be conditioned in order to ensure the existing drainage within the site is equivalent to that at present
- Somerset County Council might eventually be responsible for the maintenance of the drainage, however arrangements would be agreed through the discharge of condition
- The 2013 Annual Housing Monitoring Report is currently being finalised, however preliminary analysis is that the Council still does not have a demonstrably deliverable five year housing land supply
- Stressed that applications still need to be determined under NPPF and housing applications should be considered in the context of the presumption in favour of sustainable development
- No objections had been received from SCC Education Authority and content with the financial contributions put in place
- No adverse impacts on the landscape, ecology, drainage or highways have been identified from statutory consultees, therefore no reason to refuse application on these grounds
- Building had not started on the Northfield site and in reality all developments would not be built at once, possibility over a ten year timescale
- Irrespective of a five year land supply this application, which is in the direction of growth for Somerton, would most likely be recommended for approval
- There are pavements situated along the north side of Langport with crossing points included, but no dedicated cycleways along roadside
- Cannot guarantee the mix of dwellings to be built although the percentage of affordable housing would be set now in the Section 106 Agreement
- With regard to renewable energy, the development would have to comply with the relevant Building Control requirements
- This application was in the direction of growth for Somerton and other applications may be submitted elsewhere in the direction of growth
- Members needed to consider if the number of houses proposed in this application was so over the expressed minimum as to cause harm were the impacts would be so severe as to justify refusal

Members discussed the application at length and varying comments were expressed including:

- Not a sustainable location, additional cars will cause traffic issues and parking within the town centre as people won't walk the distance to local services
- Adverse impact in suitability terms outweighs any benefits
- Shouldn't accept that more green fields are to be built on
- Would put more pressure on the local facilities, including the schools which cannot cope at present
- The development would exacerbate the flooding and drainage problems of the site which is already prone to flooding
- No planning reason to refuse the application and it's a vibrant town
- Planning Inspectors look carefully at responses of statutory consultees, and there were few objections to the proposal
- The 62 houses over and above the 88 requirement of the Local Plan was not considered such an overriding figure as this was the minimum requirement figure
- The town council represent the local community, so was expecting a spokesperson to make representation at this meeting

The Senior Legal Executive advised members that the grounds and reason for refusal needed to be clear and precise to the application.

Following a short discussion, it was then proposed and seconded to refuse the application, contrary to the officer recommendation, due to the adverse impact on sustainability and unacceptable impact on the landscape of the locality. On being put to the vote, this was lost by 3 votes in favour and 8 against.

It was then proposed and seconded to approve the application as set out in the agenda report with amendments to the following conditions and additional informative:

Condition 5 – to read as follows:-

'The development hereby permitted shall not commence unless a foul and surface water drainage scheme for the site which shall include a timetable for its implementation and a scheme for the future responsibility and maintenance of the foul and surface water drainage system. Such drainage shall be based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.'

Condition 14 to read:-

'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 details shall include the provision of permeable paving where appropriate and shall be installed before commencement and thereafter maintained at all times.'

Additional informative:-

You are reminded that the drainage details required by conditions 5 and 14 are of considerable public interest and the ward members have requested that they be included in the agreement of these matters.

On being put to the vote, this was carried by 8 votes in favour and 3 against.

RESOLVED:

That application reference **13/03272/OUT** be approved subject to:

1. The prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-
 - (a) A contribution of £320,474 (or £2,136 per dwelling) towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £146,183 for local facilities;
 - £125,807 for strategic facilities;
 - £45,311 as a commuted sum towards local services;
 - £3,173 as the Community Health and Leisure Service administration fee.
 - (b) The provision of on-site equipped play space and sports pitch and their on-going maintenance through a management plan to the satisfaction of the Assistance Director (Wellbeing).
 - (c) At least 35% of the dwellings as affordable dwellings with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
 - (d) A contribution of £367,710 towards the cost of providing additional infant and junior school places, to the satisfaction of Somerset County Council.
 - (e) Off-site highway improvements on Langport Road, to the satisfaction of the County Highway Authority.
 - (f) Travel Plan measures to the satisfaction of the County Highway Authority with the agreement of the Development Manager, and to be fully implemented in accordance with the agreed details.
 - (g) A scheme of maintenance for the long-term maintenance of the areas of open space and attenuation pond, to the satisfaction of the Development Manager and Environment Agency.
 - (h) A Section 106 Agreement monitoring fee based on 20% of the outline application fee.
2. and the following conditions

Justification

Notwithstanding the local concerns, the provision of up to 150 houses and community facilities in this sustainable location would contribute to the council's housing supply without demonstrable harm to landscape, residential or visual amenity, ecology, archaeology or highway safety, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved

policies of the local plan and the aims and objectives of the NPPF.

CONDITIONS

01. Details of the appearance, landscaping, layout and scale (herein called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

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 and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last “reserved matters” to be approved.

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

03. The site hereby approved for development shall be as shown on the submitted location plan received 14/08/2013.

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

04. The development hereby permitted shall comprise no more than 150 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

05. The development hereby permitted shall not commence unless a foul and surface water drainage scheme for the site which shall include a timetable for its implementation and a scheme for the future responsibility and maintenance of the foul and surface water drainage system. Such drainage shall be based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

06. No development hereby permitted shall take place unless the applicant, their agents or successors in title, has secured the implementation of a programme of archaeological excavation in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policies EH11 and EH12 of the South Somerset Local Plan.

07. No development hereby permitted, including site clearance, ground-works, heavy

machinery entering site or the on-site storage of materials, shall be commenced until such time as a tree protection plan and an arboricultural method statement relating to retained trees on or adjoining the site has been submitted to and agreed in writing with the Council. Such details should conform with paragraphs 5.5, 5.6, 6.1, 6.2 & 6.3 of British Standard 5837:2012 – Trees in relation to design, demolition and construction and shall include:-

- the installation details and location of root protection areas & protective fencing clearly detailed upon the tree protection plan and;
- details of special tree protection and engineering measures for any required installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees and;

Upon approval by the Council, the agreed tree protection measures & tree planting requirements shall be implemented in their entirety for the duration of the construction phase.

Reason: To secure the planting of new trees and to preserve landscape features (trees) in accordance with the objectives of saved Policy ST6 of the South Somerset Local Plan.

08. Prior to the submission of any reserved matters application a bat assessment / survey of any trees ranked as Category 1 in accordance with the criteria set out in 'Bat Surveys - Good Practice Guidelines – 2nd edition,' by the Bat Conservation Trust (BCT) (2012), together with a Method Statement and mitigation strategy as necessary shall be submitted to and agreed in writing by the local planning authority. Such recommendations shall inform the layout and the approved works/mitigation measures shall be implemented unless otherwise approved in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

09. Prior to the submission of any reserved matters application a detailed badger mitigation strategy shall be submitted to and agreed in writing by the local planning authority. Once approved such strategy shall inform the layout of development and any on-going measures shall be implemented and retained all times.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

10. The development hereby permitted shall not be commenced unless details of measures for the enhancement of biodiversity have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

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

11. The development hereby permitted shall not be commenced (including any hedge

or tree removal) unless a Hedge Removal Method Statement detailing precautionary measures to avoid harm to dormice, 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 method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and The Habitats Regulations 2010.

12. The development hereby permitted shall not be commenced (including any ground works or site clearance) unless a Reptile Mitigation Plan detailing measures to avoid harm to slow worms, has been submitted to and agreed 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 agreed in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

13. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). 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 and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of visual amenity and highway safety to accord with Policy ST5 of the South Somerset Local Plan.

14. 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 details shall include the provision of permeable paving where appropriate and shall be installed before commencement and thereafter maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

15. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

16. 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 interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

17. No work shall commence on any dwelling on the development site hereby permitted until the access works (Ghost Island right turn Lane) as shown generally in accordance with Drawing Number FMW1159T have been carried out in accordance with a design and specification to be approved in writing by the local planning authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

18. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections have 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 interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

19. No vehicular or pedestrian access shall be formed from the site direct to Ricksey's Lane other than the proposed emergency access point, details of which shall be submitted and approved in writing by the LPA, such works to be completed before occupation of any dwelling on the site.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

Informatives:

01. You are reminded that the highway authority has requested that a condition survey of the existing public highway will need to be carried out and agreed with the highway authority prior to any works commencing on site, and that any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the highway authority once all works have been completed on site.
02. You are reminded of the need to obtain a right to discharge any surface water into the highway drainage system.
03. Please be aware of the comments set out within the Environment Agency's letter dated 12/09/2013.

04. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager South Somerset District Council Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
05. You are reminded that the drainage details required by conditions 5 and 14 are of considerable public interest and the ward members have requested that be included in the agreement of these matters.

(Voting: 8 in favour, 3 against)

24. Date of Next Meeting (Agenda Item 6)

Members noted that the next meeting of the Regulation Committee would take place on Tuesday 18th February 2014 at 10.00am in the Council Chamber, Council Offices, Brympton Way, Yeovil.

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Chairman