

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 10 September 2014**.

(9.00 am – 03.10pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Beech	Henry Hobhouse
John Calvert	Tim Inglefield
Tony Capozzoli	Lucy Wallace
Nick Colbert	Colin Winder

Officers:

Adrian Noon	Area Lead (North/East)
Helen Rutter	Area Development Manager (East) / Assistant Director (Communities)
Tim Cook	Neighbourhood Development Officer (East)
Chris Cooper	Streetscene Manager
Alex Skidmore	Planning Officer
Lee Walton	Planning Officer
Angela Watson	Legal Services Manager
Paul Wheatley	Principal Spatial Planner
Anne Herridge	Democratic Services Officer
James Divall	Neighbourhood Development Officer (North)

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

56. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the AEC meeting held on 13th August 2014, copies of which had been circulated were agreed and signed by the chairman.

57. Apologies for absence (Agenda Item 2)

Cllrs Anna Groskop and William Wallace gave their apologies for their absence.

58. Declarations of Interest (Agenda Item 3)

Cllr Henry Hobhouse declared a Disclosable Prejudicial Interest (DPI) in relation to Agenda Item 19, Planning Application 14/01639/OUT as he is a beneficiary of the applicant. Although he was not involved in any discussions regarding the application he would leave the meeting when that item was considered.

Cllr Mike Lewis stated that he was also a County Councillor but there was nothing pertinent to that on this agenda.

59. Public Participation at Committees (Agenda Item 4)

a) There were no questions or comments from members of the public

b) Cllr John Calvert requested an update report about Superfast Broadband for AEC in the next 2 months.

Cllr Mike Lewis suggested that the relevant officer at County Council should be asked for his input in that report.

60. Reports from Members Representing the District Council on Outside Organisations (Agenda Item 5)

There were no reports from Members representing the District Council on Outside Organisations.

61. Feedback on Reports referred to the Regulation Committee (Agenda Item 6)

There had been no recent meetings of the Regulation Committee.

62. Chairman Announcements (Agenda Item 7)

The Chairman advised members that unfortunately George Chinnock had passed away on Friday, 5th September he had been a long term member of AEC and a SSDC Alderman. (A minutes silence was held in respect to George Chinnock.)

The AE Planning Tour had been re-arranged for this Friday 12th September from 12.00 noon.

A date for the New Year diaries is 27th January 2015 for the Annual Parish Meeting.

63. The Balsam Centre - Allocation of Healthy Living Centre Funding (Executive Decision) (Agenda Item 8)

The Neighbourhood Development Officer explained that the Balsam Centre (Healthy Living Centre) was continuing to develop, redesign and increase the programmes on offer and implement more business based services whilst safeguarding some of the services as detailed in the work programme, with a particular focus on skills, jobs and employability. The officer confirmed that the £10,000 would be used towards training in crucial skills to enable employability.

In response to a query the officer confirmed that the Healthy Living Centre was the only one in South Somerset

Members were content to approve the recommendation.

RESOLVED:

- 1) That members note the report
- 2) That £10,000, ring fenced for Healthy Living Centres, be allocated to the Balsam Centre for the delivery of the work programme agreed and set out in Table 1 attached (with a particular focus on skills, jobs and employability).

Reason: to consider the allocation of funding ring-fenced for Healthy Living Centres to the Balsam Centre.

(Voting Unanimous in favour)

64. Area East Streetscene Performance (Agenda Item 9)

The Streetscene Manager presented the report as detailed in full the agenda.

In response to a question from Mrs L Elson he replied that he would expect to be advised by the relevant Parish Council if a village requested not to have their verges sprayed with weed killer. He confirmed that a pro-Bioactive weed killer was used, the issue of ecology was embraced by his service and weed killer was only used where weeds were actively growing.

In response to members questions the Streetscene Manager replied that:

- A meeting had recently taken place with shopkeepers from Wincanton to address the issue of late night litter;
- There was a typo on page 5 of the report reference the 2 Fly tip headings for 'Totals' that should read April – July 14 and April 13 – July 13 (rather than April 13 – March 14);
- The Service would focus on the parishes showing the highest recorded fly tips;
- There was now a new Open Spaces Officer in post;
- He acknowledged the assistance from a band of volunteers who helped to clear the River Cale ;
- He considered helping to save the bees was the right thing for his service to do during the course of their work;
- The service would do as much as they could whilst clearing the designated footpaths as part of the maintenance of the Rights of Way contracts;
- He would do what he could to pass information on to the relevant County Council officers regarding other footpaths that needed clearing outside of the contract: which was to maintain the paths chosen for maintenance.

Member's raised further concerns about some badly signposted and blocked rural footpaths that were badly in need of maintenance but did not come under the umbrella of the Rights of Way contract. It was important that members of the public knew who to contact in order to arrange for paths to be cleared. It was also suggested that more litter bins could be put in some places in Wincanton.

The ADM would make further enquiries regarding possible avenues for funding the maintenance of local footpaths; an example was given of Mendip as a model of good practice. The ADM would investigate if SSDC could learn from their approach.

A suggestion was made that offenders on Probation Service Programmes should be used to help clear some of the overgrown footpaths. Local Scout groups could be used as part of the Adopt a Footpath scheme.

The Streetcene Manager was thanked for the good work his service carried out and the help and hard work given during the flooding last winter.

NOTED

65. Wincanton Transport & Service Hub Update (Agenda Item 10)

The Neighbourhood Development Officer updated members on the process of, and progress on developing a Transport Services Hub in Wincanton as detailed in the agenda report.

A positive first meeting of the project group had now taken place. The replacement of the existing bus shelter had been discussed but the car park improvement scheme had to start before work could begin on the shelter. At the next meeting of the project group it was hoped to focus on service provision and identify any gaps in that provision, the SSDC Transport Strategy Officer would be meeting with local bus operators regarding the current bus routes.

Concern was raised about the need for villages to be included as part of the Hub, a lot of enthusiasm would be required to make the scheme work as central government did not really understand rural transport issues. Members also wanted to ensure that the new shelter was made of robust material in order that little or no maintenance would be required.

In response to several questions the Neighbourhood Development Officer replied that the SSDC Transport Strategy Officer had carried out detailed work to find the most suitable material for the shelter, wood and toughened glass had come out the best. The group would work to a budget and if more funding was required a report would be brought for AEC to consider, a maintenance allowance would be included, but there were no financial implications for SSDC at this moment in time.

Members were content to note the content of the report.

RESOLVED:

That members note and comment on the report.

66. Area East Community Funding Support Schemes 2013/14 (Agenda Item 11)

The Neighbourhood Development Manager on behalf of his colleague gave a summary of the 35 groups and projects that had been supported with grants during 2013/14.

With the aid of a power point presentation he showed photographs of the new enhanced community space at Kingsdon, the successful and well used MUGA at Wincanton and the Eat Cary project that involved a lot of youngsters. There had been a community effort to clear rubbish from the River Cale. The Kingsdon Community shop was a huge success with a social impact on the community, with particular benefit to isolated people, and local youngsters who volunteered to help out in the shop.

The officer was thanked for the informative report, members were pleased that the MUGA was being well used and the benefits to local children of serving the community.

NOTED

67. Area East Committee Forward Plan (Agenda Item 12)

Committee members were advised that the report on the LEADER Programme may not be on the agenda for November. The ADM would investigate if a report updating members on Superfast Broadband was possible.

NOTED

68. Date of Next Meeting (Agenda Item 13)

Members noted that the next scheduled meeting of the committee would be at the Council Offices Churchfield Wincanton on Wednesday 8th October 2014 at 9.00 am.

69. Items for information (Agenda Item 14)

NOTED

70. Schedule of Planning Applications to be Determined by Committee (Agenda Item 15)

NOTED

71. Update Report on Land at Verrington Hospital, Dancing Lane Wincanton (Ref. Planning Application 14/00838/OUT) (Agenda Item 16)

Update Report on Land at Verrington Hospital, Dancing Lane Wincanton (Ref. Planning Application 14/00838/OUT)

The Area Lead East explained that this report was before Members in order to obtain their views on the application in the light of an appeal against the non – determination of the outline application for a residential development of up to 55 dwellings and provision of access at Verrington Hospital.

The officer explained that the amended application overcame the previous inspectors concerns regarding access to the site, and included an extra proposed parking space. The application did not adequately address the Inspectors concerns with regard to the

sustainability of the site relative to the town centre, however the Highways Authority had, (the day before the AEC meeting), now agreed an acceptable Travel Plan which could make the application sustainable and this put a different perspective on the officers reasons for defending a refusal on the basis of poor accessibility.

Mrs R Keep, Mrs Godbolt, Mr R D'Arcy, Mrs A Davis, Mr A Chesterman, Matron Claire Andrews and Mr C Downton, all spoke in opposition and made the following comments some of which included:

- Local roads were already congested;
- Other brownfield sites should be used rather than this greenfield site;
- Residents are unlikely to walk to facilities due to the steep gradient;
- Vulnerable and frail hospital patients would be upset by the proposal so near to the hospital;
- Education, health, transport and employment in the town needed addressing;
- The hospital currently has 7 calm and quiet private rooms used for a person's last few days but if the proposal was approved those rooms would be overlooking the noisy car park
- Land needed to be available for the use of an air ambulance;
- Friends of the hospital and members of the public have raised a lot of money through fundraising. That money had been used towards extra outpatient's facilities. The next project was to install a memorial garden;
- The ambience of the hospital would be lost;
- Central government states that public opinion was important;
- Community hospitals were the future of health care and should be protected;
- The site had been divided in half and would not be good for the safety of the hospital if more vehicles used the space.

Ward Member Cllr Nick Colbert did not consider that Wincanton needed extra housing at the moment. In his opinion affordable housing was not being allocated to local people via Home Finder. The proposed development would result in the loss of high quality agricultural land. He was disappointed that a Highways Officer did not appear to have visited the site and he was concerned that Dancing Lane would be dangerous for pedestrians if the proposal went ahead.

Ward Member Cllr Colin Winder also spoke in opposition; he was concerned about the quality of the highways traffic survey, he also felt that economic and social needs should work together.

In response to several queries the Area Lead East explained that now he was in receipt of the Travel Plan, the Local Planning Authority would find it more difficult to sustain an

objection based on the scheme being unsustainable and, he had to be guided by the views of the SCC Travel Plan Officer. Local evidence would have to be obtained in order to dispute the travel plan.

During discussion varying views were expressed by members, including:

- It was hard to deal with the situation as the NHS had sold the land in question with a right of access through the hospital;
- Unfortunate that the Travel Plan had only just been received although County officers had been asked some time ago;
- County Council should pay the costs of an appeal if dismissed, the NHS and SCC were responsible for the situation;
- There was not a continuous footpath from the site to the local Comprehensive School;
- The impact to the appearance and character of the area had not been included;
- The Highway Officer had not checked out the impact on the area thoroughly;
- Did not consider that this application was sustainable on transport grounds, the distance on foot and the gradient from the site was too much to walk. There was no suitable public transport after 4.00 pm to Castle Cary railway station;
- Staff of the hospital had explained their concerns regarding the car park and access arrangements
- The hospital was a community facility that should be preserved;
- In the future more thought should be given when selling land such as this;
- Planning officers made their recommendations taking account of policy and guidance. Understood how difficult it was for officers as they had to be guided by policy, and reasons for refusal had to be robust and backed up by evidence;
- Needed to defend the sustainability issue and include other reasons if felt appropriate;
- Concerned regarding the cumulative impact of new houses and lack of local jobs;
- Independent external consultants should be used to defend the appeal.

The Legal Services Manager explained that SSDC would handle the appeal but may have to use external witnesses to provide the necessary evidence. AEC members needed to be made aware of the likelihood of costs being awarded if reasons for refusal could not be justified. It would appear that the main issue was accessibility to the location, and whilst SCC was not the final arbiter on accessibility, it could be difficult to evidence that Travel Plan measures wouldn't succeed. She further advised that the High

Court challenge on this site was procedural and not a judgment on the merits of the planning issues.

The Principal Spatial Planner explained that the recent Court of Appeal judgement was resolving a matter of procedure. As such, the Committee should be cautious in concluding that the judgement upheld the original reasons for refusal and/or endorsed those reasons for future reference.

The Area Lead East informed the meeting that the SCC Highway Officer who defended SSDC at the appeal did know the site well and had been involved this time around. Due to the timescale the appeal was now with the Planning Inspector and issues could not be re-visited.

Further discussion ensued regarding the reasons to be used in defending the appeal. Members, led by the Area Lead East, discussed the following suggested reasons for refusal:

The proposal is for up to 55 dwellings on a site that is not within reasonable walking distance remote of primary schools, employment opportunities and the services and facilities available in the town centre. Given the distances, topography and nature of the route and the lack of regular bus services future residents would have no realistic alternative to the private motor car to access services and facilities necessary for daily life.

The submitted travel plan did not satisfactorily demonstrate that the future residents would have any option but to rely on the private motor car for virtually all their daily needs. Such lack of choice of transport modes constitutes unsustainable development

It had not been demonstrated that the loss of best and most versatile agricultural land (grades 2 & 3a) had been justified in this instance where there was other lower grade land available.

It had not been demonstrated that the proposed access arrangements would be conducive to the continued safe operation of the hospital.

Dancing Lane by reason of its width, lack of pavements and use by the school was incapable of safely accommodating the additional traffic generated by this development without detriment to pedestrian safety.

The development of this field would unacceptably impact on the tranquil outlook and setting of the hospital to the detriment of users of the hospital.

It was then proposed and seconded to employ external consultants to defend the above objections to the proposal. On being put to the vote this was carried unanimously in favour.

RESOLVED

That:-members resolved to employ external consultants to defend the following objections to the proposal:

1. The proposal is for up to 55 dwellings on a site that is not within reasonable walking distance remote of primary schools, employment opportunities and the

services and facilities available in the town centre. Given the distances, topography and nature of the route and the lack of regular bus services future residents would have no realistic alternative to the private motor car to access services and facilities necessary for daily life.

The submitted travel plan does not satisfactorily demonstrate that the future residents would have any option but to rely on the private motor car for virtually all their daily needs. Such lack of choice of transport modes constitutes unsustainable development contrary to the presumption in favour of sustainable development running through the NPPF which is not outweighed by any reasonable benefit arising from the development. Accordingly the proposal is contrary to the policies contained within the NPPF and saved policies ST3, ST5 and TP2 of the South Somerset Local Plan (2006).

2. It has not been demonstrated that the loss of best and most versatile agricultural land (grades 2 & 3a) has been justified in this instance where there is other lower grade land available.
3. It has not been demonstrated that the proposed access arrangements would be conducive to the continued safe operation of the hospital.
4. Dancing Lane by reason of its width, lack of pavements and use by the school is incapable of safely accommodating the additional traffic generated by this development without detriment to pedestrian safety.
5. The development of this field would unacceptably impact on the tranquil outlook and setting of the hospital to the detriment of users of the hospital.

(Voting: Unanimous in favour)

72. Planning Application 14/02107/OUT - Windmill Farm, Grants Lane, Wincanton (Agenda Item 17)

The Planning Officer presented the application as detailed in the agenda. He provided members with several updates including a letter of objection that had been received after the agenda had been produced, which made reference to the boundary between Bayford and Wincanton; the possible destruction of wildlife, bats etc; the grade of land on the proposed site and made reference to the existing wall of trees. Additional information had also been received from the Ecologist regarding the bat survey.

With the aid of a power point presentation the officer showed photos and indicative plans of the site. He confirmed that his recommendation was to refuse the application as detailed in full in the agenda report.

Mr T Maccaw spoke in objection on behalf of Stoke Trister & Bayford PC (Parish Council). The PC was concerned about the impact of extra vehicles and possible speeding issues; they felt that Highways had carried out insufficient or no research into the impact of extra vehicles on Bayford Hill in particular. The PC had recently carried out a traffic count survey and had obtained detailed traffic data. If the application was refused Mr Maccaw asked that a reason should be included regarding the anti-social impact of the increased vehicle movements.

Mr R D'Arcy, Mr A Chesterman, Mr D Castle, MS B Loader, and Mrs L Elson representing CPRE (Council for the Protection of Rural England) all spoke in objection to the applications and made the following comments some of which included:

- There was other, more suitable land available;
- Heritage sites should be protected;
- There would be no definite division between Wincanton and Bayford, both would be merged together;
- Reference was made to the NPPF and land within a green belt;
- Referred to the agenda report and the linear woodland on the Southern boundary adjoining Grants Lane that should read 'adjoining Bayford Hill';
- Pedestrian access to the recreation ground would be required;
- Lower quality land should be used;
- Better infrastructure was required;
- An archaeological survey was needed;
- Concerned about the possibility of flooding in and around the site;
- The target for growth in Wincanton had been met already.

The agent Mr I Woodward–Court addressed the committee and requested a copy of the traffic survey conducted by the Stoke Trister & Bayford PC. In his opinion the site was not in the green belt and the land had been classified as Grade 3b by an independent assessor. Mr Woodward–Court explained that he had requested that consideration of the application be deferred but the Local Planning Authority felt that they were in receipt of enough information for the application to be determined.

Ward Member Cllr Mike Beech did not support the application and did not want to see Bayford and Wincanton merged together, he was also concerned about the possibility of the new development exacerbating flooding in the vicinity.

Ward Member Cllr Colin Winder made reference to the Local Plan and Ward Member Cllr Nick Colbert felt there were already too many new houses in Wincanton which in his opinion were not always allocated to local people. He was also concerned about the grade of land used for development and the possibility of flooding and wanted to ensure reasons for refusal were relevant.

During discussion it was suggested that the application should be deferred in order to be able to assess the traffic data. The Area Lead East confirmed that any appeal would not be jeopardised by deferring the application.

Further discussion ensued regarding future education requirements and the need to have robust reasons for refusal.

It was then proposed and seconded to defer the application in order to be able to take account of the new information regarding traffic data and to ensure that Highways had sight of that information.

On being put to the vote the motion was lost by 2 votes in favour and 7 against.

The Area Lead East had not received a copy of the traffic data and requested a copy of it.

It was then proposed to refuse the application as per the officer's recommendation with additional reasons. However the Area Lead East explained that in his opinion the reasons for refusal given in the report were already sound and it would not be sensible to add others. The traffic data did however give doubt to the issues of the impact of additional traffic therefore an additional reason could be included but it would be necessary for County Highways to be given a chance to review their data.

It was subsequently proposed and seconded to refuse the application as per the details in the agenda report plus an additional reason: It has not been demonstrated that the existing road (Bayford Hill) can safely accommodate the proposed access and additional traffic without detriment to highways safety.

On being put to the vote the motion was carried by 7 votes in favour and 1 vote against.

RESOLVED: That Planning Application 14/02107/OUT be refused for the following reasons:

- 01 The residential development of this site, by virtue of its topography, the prominent location and the introduction of a suburban form of development would result in a visually intrusive development, at odds with the character of the locality to the detriment of the visual amenities of the locality and the broader landscape character when viewed from publicly accessible vantage points. As such the proposal is contrary to saved policies EC3, ST5, ST6 and ST3 of the South Somerset Local Plan and paragraphs 17 and 109 of the National Planning Policy Framework.
02. The application is supported by insufficient information to understand the potential impact of the proposal to the significance of the archaeology and as such has an unacceptable potential to have an adverse impact upon archaeological assets and is therefore contrary to policy EH12 of the South Somerset Local Plan and paragraph 128 of the National Planning Policy Framework
03. The application is supported by insufficient information to understand the potential impact of the proposal to the significance of the ecology, namely the lack of a dormouse survey that remains outstanding and as such the proposal has an unacceptable potential to have an adverse impact upon ecological assets and is therefore contrary to policy EC8 of the South Somerset Local Plan and paragraph 118 of the National Planning Policy Framework.
04. The application lacks supporting evidence that a safe access can be achieved while protecting the future well-being of the adjacent (TPO's) trees. As such the proposal has an unacceptable potential to have a prejudicial impact upon important designated specimen trees and is therefore contrary to policy ST5 and ST6 of the South Somerset Local Plan and the National Planning Policy Framework.

05.It has not been demonstrated that the existing road (Bayford Hill) can safely accommodate the proposed access and additional traffic without detriment to highways safety. As such the proposal is contrary to policy ST5 of the SSLP 2006.

(Voting: 7 in favour; 1 against)

73. Planning Application 14/00479/FUL Land OS 3969 Land at Devenish Lane BA9 9NQ (Agenda Item 18)

The Planning Officer presented the application as detailed in the agenda. He provided members with several updates including a letter with photos that indicated the volume of traffic using Devenish Lane and vehicles parking haphazardly along the lane.

Members were also asked to take note that the 'passing places' were not for the use of travelling vehicles but were entrances to the resident's properties. This application was a resubmission, the developer had provided additional information in the form of an Access Technical Note, produced by AWP Highway consultants that addressed the various concerns expressed previously by the Highway Authority, and therefore a highway objection to the current application had not been raised. The officer further advised that he was in receipt of a petition signed by up to 87 people in opposition to the application.

With the aid of a power point presentation the officer showed views of the site and indicative plans plus photos of the lane. He confirmed that his recommendation was to approve the application.

Mr I Durrant, Mr R Keattch, Mr N Noble and Mr R D'arcy all spoke in opposition to the application, particular concerns were raised about the impact the extra dwellings would have on the highway. There had been one fatality in the area and several near misses. Since the petition had been collated an extra 20 or so names had since been added.

The Area Lead East confirmed that details of the petition were on the SSDC website.

During the short discussion it was proposed and seconded to defer the application for a site visit to assess the access arrangements, if possible with the attendance of a highways officer.

On being put to the vote the motion was carried by 7 votes in favour and 1 vote against.

RESOLVED: That Planning Application 14/00479/FUL be deferred until the next AEC meeting in order for a site visit to be carried out to assess the access arrangements.

(voting: 7 in favour:1 against)

74. Planning Application 14/01639/OUT Land to rear of Alma Field, South Street, Castle Cary. (Agenda Item 19)

Prior to consideration of Planning Application 14/01639/OUT Cllr Henry Hobhouse previously having declared a DPI left the meeting.

The Planning Officer presented the application as detailed in the agenda, he advised members that another letter had since been received objecting to the application. With the aid of a power point presentation the officer showed details of the site and the access

from Alma Field. He pointed out that a Highway Officer had visited the site and in his opinion the site could cope with additional vehicles therefore the Planning Officer confirmed that his recommendation was to approve the application.

Mr C Hurd spoke in opposition to the application and made reference to the narrow road and the dangerous junction.

Mrs J Montgomery, the agent, confirmed that the applicant had obtained pre-application advice and as Highways had confirmed there were no safety issues members should approve the application.

Ward Member Cllr Nick Weeks raised his concerns about highways; he would not like any further developments in this vicinity.

The Area Lead East asked members to note in the agenda report, that conditions 05 and 06 should be deleted as they duplicated condition 03.

It was proposed and seconded to approve the application as per the officers recommendation but to ensure there would be no more than 3 dwellings and wanted an archaeological watching brief due to the possibility of underground tunnels in the area.

On being put to the vote the motion was unanimously carried in favour.

RESOLVED: that Planning Application 14/01639/OUT be approved as per the officers recommendation for the following reason:

The proposal, by reason of its location, represents appropriate infill adjacent to the development area and does not foster growth in the need to travel and is therefore sustainable in accordance with the aims of objectives of policy ST3 of the South Somerset Local Plan (Adopted April 2006) and the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. Approval of the details of the Access, Appearance of the building(s), the Landscaping of the site, Layout and Scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection 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 for the conservation of a 'priority species' in accordance with NPPF.

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

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

06. Plans showing parking area(s) providing for an appropriate number of spaces in line with the Somerset County Council Parking Strategy vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. These areas shall be properly consolidated before the building(s) are first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

07. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soak ways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

08. The development hereby permitted shall not commence until 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 highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

09 There shall be no more than 3 dwellings.

Reason: In the interests of visual amenity and character of the locality, further to policy ST5 and ST6 of the South Somerset Local Plan and the NPPF.

10. No part of the development hereby approved shall be commenced until the expiration of fourteen days following notice given in writing to the County Archaeological Officer, County Hall, Taunton, TA1 4DY, of the intention to commence development. During the development the developer shall afford access at all reasonable times to archaeologists nominated by the County Archaeologist, and shall allow them to observe the excavation and to record items of interests and finds.

Reason: There has been archaeology found on the adjacent sites that is considered could extend into the application site, further to policy EH12 of the South Somerset Local Plan.

(Voting: Unanimous in favour)

75. Planning Application 14/02896/FUL Land to the north of Lighthouse Keinton Mandeville (Agenda Item 20)

(Cllr Henry Hobhouse returned to the meeting)

Ward Member Cllr John Calvert informed the committee that since the agenda report had been produced, the Inspector had dismissed the appeal as the S106 obligation had not been completed to his satisfaction. Keinton Mandeville PC, whilst not in favour of the application was now willing to accept the officer's recommendation. In light of this information AEC members were content to approve the application as per the officer's recommendation and voted unanimously in favour.

RESOLVED: That Planning Application 14/02896/OUT be approved as per the officers recommendation subject to:

1. The prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following issues:-
 - (a) financial contributions towards offsite recreational infrastructure of £30,217 broken down as:

- £19,333 for local facilities;
- £7,199 for strategic facilities;
- £3,385 as a commuted sum towards local services;
- £299 as the Community Health and Leisure Service administration fee.

(b) a monitoring fee to the satisfaction of the Development Manager.

For the following reason:

Keinton Mandeville by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of six dwellings on this site, immediately adjacent to settlement limits would respect the character of the locality with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with Policies ST2, ST5, ST6, ST10, EC3, EC7, EC8, EH12, EP1 and CR3 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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 combined site plan and site layout (drawing number 1389/01) received 21/10/2013.

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

04. The development hereby permitted shall comprise no more than 6 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. No development hereby approved shall take place unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved 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 Policy EH12 of the South Somerset Local Plan.

06. Prior to the submission of any reserved matters application a detailed ecological appraisal of the site shall be carried out and details including an assessment of the impact of the proposed development and any appropriate measures to alleviate this shall be submitted to and approved in writing by the Local Planning Authority. Any agreed mitigation measures shall be implemented in full accordance with the approved details 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).

07. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge on the centre line of the new accesses and extending to a point 43m either side of the accesses to the nearside carriageway edge. Such visibility shall be fully provided and shall thereafter be maintained at all times.

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

08. The Development hereby permitted shall not be commenced unless a scheme providing an appropriate level of parking in line with the SCC parking strategy March 2012 (including properly consolidated and surfaced turning spaces for vehicles) have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of the provision of adequate parking to serve the development in accordance with the Somerset Parking Strategy 2012 and Policy ST5 of the South Somerset Local Plan.

09. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, including measures to prevent the discharge of surface water to the highway, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health and neighbour amenity to accord with Policies EU4 and ST5 of the South Somerset Local Plan.

Informatives:

01. The applicant is reminded that the layout detailed on the submitted proposed site layout plan (drawing number 1389/01) only secures the position of the new vehicular accesses and that all other layout details are indicative only.
02. The developer's attention is drawn to the comments made by the council's Landscape Officer with regard to the road frontage and orchard planting of the paddock to the rear of the site.
03. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Yeovil Area Office, tel 0845 3459155. Application for such a permit should be made at least three weeks before access works are intended to commence.

(Voting: Unanimous in favour)

76. Planning Application: 14/02144/DPO, Deer Park Farm, Bab Cary, Somerton (Agenda Item 21)

The Planning Officer presented the report as detailed in the agenda, his recommendation was to allow the discharge of the S106 agreement.

Mr S Hoar of Bab Cary PC could see no reason to remove the S106 agreement and felt the house should be tied to the farmland surrounding it in perpetuity.

Ward Members Cllrs Henry Hobhouse and Nick Weeks understood that the applicant wanted to give the land to their son.

In response to a question the Area Lead East replied that if the applicant wished to gift the land, a written agreement would have been required to alter things, current legislation needed to be reviewed in line with the NPPF, the advice that the applicant had been given was correct in the circumstances.

The Legal Services Manager further advised that anyone was entitled to make an application and the test was whether the original agreement still served a useful purpose.

A short discussion ensued where concern was raised that if the land was to be farmed the dwelling should remain linked to the land.

In response the Area Lead East and the Legal Services Manager concluded that circumstances within a holding could change and it was not always practical to tie the dwelling to the land. They indicated that the policy position had moved away from requiring an agricultural workers dwelling to be linked to a specific holding toward the dwelling being available to any agricultural workers in the locality.

It was proposed and seconded to approve the application as per the officers recommendation. On being put to the vote the application was approved by 5 votes in favour: 1 against and 2 abstentions.

RESOLVED: That Planning Application 14/02144/DPO be agreed as per the officers recommendation to allow the discharge of the Section 106 Agreement dated 19 January 1993 made between South Somerset District Council and Malcolm Stewart Beaton.

SUBJECT TO THE FOLLOWING:

Informatives:

01. A copy of this decision will be sent to the Council's Land Charges Department so that they can remove the restriction from the land charges register. A copy of this certificate should be retained and kept with the deeds of the property.

(Voting:5 in favour; 1 against; 2 abstentions)

77. Planning Application 14/02726/OUT - Former stables at Cedar Lodge, High Street, Charlton Adam (Agenda Item 22)

The Planning Officer presented the application as per the agenda report, she updated members with information that Environmental Protection had no objections regarding amenity issues. With the aid of a power point presentation the officer showed photos of the site and an aerial view.

Ward Member Cllr John Calvert had no objection to the application.

It was proposed and seconded to approve the application as per the officer's recommendation with an additional condition to agree provision for swallow's nests.

On being put to the vote, the motion was unanimously carried in favour.

RESOLVED: That Planning Application 14/02726/OUT be approved as per the officers recommendation:

The application site, by reason of its location within easy reach of the services and facilities that can be found within the settlements of Charlton Adam and Charlton Mackrell, is considered to be a sustainable location in principle for this modest development. The erection of a single storey dwelling on this site, adjacent to settlement limits, will respect the setting and character of the surrounding conservation area and adjacent listed buildings, cause no demonstrable harm to residential amenity or highway safety. As such the proposal complies with Policies ST2, ST5, ST6, EH1, EH5, EC7, EC8, EP1 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of the access, 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 location plan (drawing number 14115-2 Revision A received 24/07/2014).

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

04. The development hereby permitted shall comprise no more than one dwelling.

Reason: To ensure that the scale of development is appropriate to the location in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

05. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

06. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground-works, machinery entering site or the on-site storage of materials, a tree protection plan and a supporting arboricultural method statement relating to all retained trees on or adjoining the site, shall be drafted so as to 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. The Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing with the local planning authority and they shall include the following details:

- the installation and locations of protective fencing, designated cement mixing areas, root protection areas & construction exclusion zones clearly detailed upon the tree protection plan;
- details of special tree protection and engineering measures for any required soil-grade changes, installation of built structures, below-ground services and car-park surfacing within the root protection areas of retained trees; and
- a requirement for a pre-commencement site meeting to be held between the appointed building contractors, the appointed arboricultural consultant and the Council's Tree Officer.

The development shall thereafter be carried out in full accordance with these agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the objectives of saved Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those

statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)[1].

07. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health and neighbour amenity to accord with Policies ST5 and ST6 of the South Somerset Local Plan.

Plus an additional condition to agree provision for swallows nests.

(Voting: Unanimous in favour)

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Chairman

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Date