

## South Somerset District Council

Minutes of a meeting of the **Area West Committee** held at the **Henhayes Community Centre, Crewkerne** on **Wednesday 20 August 2014**.

(5.30 p.m. - 10.00 p.m.)

**Present:**

**Members:** Councillor Angie Singleton (Chairman)

|                |                                 |
|----------------|---------------------------------|
| Dave Bulmer    | Sue Osborne (from 6.15 p.m.)    |
| John Dyke      | Ric Pallister                   |
| Carol Goodall  | Ros Roderigo                    |
| Brennie Halse  | Andrew Turpin (until 6.15 p.m.) |
| Jenny Kenton   | Linda Vijeh                     |
| Paul Maxwell   | Martin Wale                     |
| Nigel Mermagen |                                 |

**Officers:**

|                  |                                    |
|------------------|------------------------------------|
| Andrew Gillespie | Area Development Manager (West)    |
| Andrew Gunn      | Area Lead (West)                   |
| Adrian Noon      | Area Lead (North/East)             |
| Lynda Pincombe   | Community Health & Leisure Manager |
| Mike Hicks       | Planning Officer                   |
| Michael Jones    | Locum Planning Solicitor           |
| Jo Morris        | Democratic Services Officer        |

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

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**46. Exclusion of Press and Public (Agenda Item 1)**

**RESOLVED:** that the following item be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)."

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**47. Securing Future Facilities for Chard (Confidential) (Agenda Item 2)**

The Community Health and Leisure Manager summarised the agenda report. Members unanimously supported the recommendations outlined in the report.

**RESOLVED:** That the recommendations outlined in the agenda report be approved.

*(Voting: unanimous)*

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**48. To approve as a correct record the minutes of the meeting held on 16 July 2014 (Agenda Item 3)**

The minutes of the meeting held on 16<sup>th</sup> July 2014, copies of which had been circulated, were taken as read, and, having been approved, were signed by the Chairman as a correct record.

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**49. Apologies for Absence (Agenda Item 4)**

Apologies for absence were received from Councillors Mike Best and Kim Turner.

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**50. Declarations of Interest (Agenda Item 5)**

Councillor Jenny Kenton declared a Disclosable Pecuniary Interest in Planning Application Nos. 14/02439/FUL and 14/02440/LBC, as the applicant. She left the room during consideration of the items.

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**51. Public Question Time (Agenda Item 6)**

The Committee was addressed by Mr Tim Adams. He read out a statement raising some concerns with regard to proposals for the disused ladies toilets in Ilminster. (A copy of the statement is available from Democratic Services upon request).

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**52. Chairman's Announcements (Agenda Item 7)**

There were no announcements from the Chairman.

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**53. Area West Committee - Forward Plan (Agenda Item 8)**

Reference was made to the agenda report, which informed members of the proposed Area West Forward Plan.

Members were content to approve the Forward Plan as attached to the agenda.

**RESOLVED:** That the Area West Forward Plan be noted as attached to the agenda.

*(Resolution passed without dissent)*

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**54. "The Hammerhead", a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way, Ilminster - Assessment of nomination under Community Right to Bid (Item for information) (Agenda Item 9)**

The Area Development Manager (West) summarised the agenda report, which informed members of the decision to place “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, recreational Area and Canal Way onto the SSDC Register of Assets of Community Value, following a nomination made by Ilminster Town Council.

**NOTED.**

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**55. Community Right to Bid - Updates (Agenda Item 10)**

The Area Development Manager (West) informed members of the decision to place The Kings Head Inn, Merriott onto the SSDC Register of Assets of Community Value, following a request from the Save our Kings Head organisation.

**NOTED.**

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**56. Feedback on Planning Applications Referred to the Regulation Committee (Agenda Item 11)**

There were no planning applications referred to the Regulation Committee.

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**57. Planning Appeals (Agenda Item 12)**

The Committee noted the details contained in the agenda report, which informed members of planning appeals received and allowed.

**NOTED.**

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**58. Schedule of Planning Applications to be Determined by Committee (Agenda Item 13)**

Members noted the Schedule of Planning Applications to be determined by the Committee.

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**59. Planning Application 13/04848/FUL - Land at Crosskeys, Ashill (Agenda Item 14)**

The Area Lead West with the aid of slides and photographs summarised the details of the application as set out in the agenda report including the key considerations. He updated members that three further emails had been received expressing strong concerns about the application. A further letter had also been received from Ashill Parish Council supporting local residents concerns. The Area Lead West updated the report with an amendment to condition 11 to include the wording 6 pitches only. He also recommended additional conditions to cover the development commencing within three years and details of foul sewage treatment to be agreed. The Officer’s recommendation was for approval.

In response to questions, the Area Lead West clarified points of detail raised by Members which included the following:

- Policy SS2 in the emerging Local Plan provided for meeting the needs of communities in rural areas;
- The Council did not have a policy in relation to the number of sites in any one area.

The Committee noted the comments of Brenda Pyle, representing Ashill Parish Council in objection to the application.

The Committee then noted the comments of Henry Best, Jeffrey Speke, Jane Simmonds, Dave Ellis, Pauline Ellis, Colin Martin, John Cunningham, Martin Hallam and Simon Smedley in objection to the application. Concerns expressed included the following:

- The area surrounding the proposed site was at risk of flooding;
- There was no adequate provision for the disposal of surface water;
- The application did not comply with planning policy;
- There was no current demand for pitches;
- The site was not located within a sustainable location;
- The site would have an adverse effect on the grade 2 listed buildings in the area;
- The size of the water treatment plant was key;
- The site may be used for business use;
- The site should remain in agricultural use;
- There was inadequate provision for sewage;
- The application was contrary to the local character of the area;
- Lack of local facilities in the area;
- Lack of monitoring on the site;
- There would be an increase in traffic using Cad Road and the road was already extremely dangerous;
- Concerns over road safety;
- Reference was made to the historical importance of the area which should be protected.

(During the representations, members were shown photos of flooding in the area and a surface water flood map which had been submitted by an objector).

Maggie Smith Bendell speaking in support of the application informed members that she had held the position of Romany Gypsy Liaison Officer for the past 20 years based near Street. She referred to the problems of site provision and lack of affordable land. She commented that the family was known to her and explained about their lifestyle. She commented that the site would be self-funded and referred to the need for pitches, as both Council sites were full.

The Applicant's Agent, Angus Murdoch, referred to the impact of the site's access in regard to the listed gateway and commented that an assessment had been produced and there were no longer objections. The Highway Authority was now content with the access and a flood risk assessment had been produced. He referred to the proposal being compliant with the development plan and that Policy HG11 had been fully met. He also referred to the Council not having any allocated sites where the applicants could reside or a 5 year supply of deliverable sites.

The Area Lead North/East addressed a number of the comments raised during the public participation session. Members were informed that:

- With regard to enforcement, there were Government standard conditions in relation to the type of occupants permitted on the site;
- Planning issues were only relevant to the application;
- The Surface Water Flood Map had been considered by the Environment Agency and the Council's Engineer and did not change their view on the application;
- Policy HG11 was a key issue to be considered and the harm caused to the amenity of neighbouring dwellings;
- The proposed site was 4km from Ilminster which was considered to be a reasonable distance;
- There were no serious highway issues and the County Highway Authority did not object to the application;
- The site included appropriate amenities for residents such as sewerage, hard standing and a safe play area;
- The application complied with saved policies;
- Members should be focussing on material considerations only such as the adverse impact on the character of the area and sustainability.

In response to a member comment, the Area Lead West confirmed that the raising of the pitch level to cope with flooding did not change the views of the Landscape Officer.

Ward Member, Cllr. Linda Vjeh referred to the concerns raised by the local residents and the Landscape Officer completing his report prior to the pitches being raised. She felt that having to raise the pitches confirmed the unsuitability of the land. She referred to the comments submitted by English Heritage and felt disappointed that they had underestimated the character of the area. She believed that granting the application was the wrong decision and that caravans would have a much greater impact on the site. She felt that the site was not suitable for this application.

The adjacent Ward Member, Cllr. Sue Steele referred to the various other sites within South Somerset and felt that the limit for sites had been reached. Reference was also made to the issues of flooding, lack of local facilities and a footway to the site. She also questioned whether a noise survey had been undertaken as the site was very close to Merrifield.

During the ensuing discussion, Members expressed various views which included the following:

- SSDC was both a housing and planning authority and had a duty to provide and enable planning permission;
- There were no issues with regard to flooding and highways;
- The site would be subject to a site licence under the regulations of Environmental Health;
- The site was not over dominate as there were only 6 pitches;
- There were no valid planning reasons to refuse the application;
- The site was not suitable for the application;
- Concerns over the impact on the character of the area and listed buildings;
- Concerns over the scale of the development;
- Concerns over the risk of flooding;
- The site was not located within a sustainable location.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation. On being put to the vote the proposal was lost 4 in favour and 7 against.

The Area Lead North/East advised members that disregarding the advice of Statutory Consultees would be difficult to defend at appeal. If members were minded to take this route they should consider deferring the application in order to seek independent advice.

It was proposed and seconded to refuse the application for the following reasons:

- Scale of development;
- Proximity to the listed gates;
- Raised pitches;
- Visual impact and setting;
- Contrary to saved policies ST5, ST6, EC3 and EH5 of the Local Plan.

On being put to the vote the proposal was carried 6 in favour and 5 against.

**RESOLVED:** That Planning Application No. 13/04848/FUL be **REFUSED** contrary to the Planning Officer's recommendation for the following reason:

The proposal for 6 pitches on this site would, by reason of the scale of development, the raised pitches and the proximity of the listed gates to Rowlands Farm, result in an unacceptable visual impact to the detriment of the visual amenities and character of this rural location and to the setting of the listed gates. As such the proposal is contrary to saved policies ST5, ST6, EC3 and EH5 of the South Somerset Local Plan 2006 and the policies contained within the National Planning Policy Framework.

*(Voting: 6 in favour, 5 against)*

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## **60. Planning Application 14/01891/DPO - Bradfords Site, Station Road, Misterton (Agenda Item 15)**

The Area Lead North/East updated Members with an email he had received from the Council's Corporate Strategic Housing Manager.

The Area Lead North/East with the aid of slides and photographs summarised the details of the application including the sole consideration of viability.

In response to questions, the Area Lead North/East clarified points of detail raised by members. Members were informed of the following:

- The application was made under S106BA which came into effect in April 2013 and allows any applicant to vary their application regardless of when it was approved;
- At the time of the original valuation for 10 affordable houses there were some concerns and it was very touch and go as to whether the scheme would be viable;
- The Developer had underestimated a number of issues and further costs had been incurred agreeing highway works.

During discussion, members raised a number of concerns regarding the Development Viability Appraisal and felt that it would be beneficial for the District Valuer to attend the meeting to answer member's questions.

The Solicitor confirmed that it was reasonable to postpone consideration of the application to allow the District Valuer to attend in confidential session.

The Area Lead North/East advised that if members were mindful to defer the application, the applicant had the right of appeal against non-determination.

It was proposed and seconded to defer the application to enable the District Valuer and the Applicant's Agent to be present at the September Area West Committee to answer Member's questions. On being put to the vote the proposal was carried unanimously.

**RESOLVED:** That Planning Application No. 14/01891/DPO be **DERREFED** to enable the District Valuer and the Applicant's Agent to be present at the September Area West Committee to answer Member's questions.

*(Voting: unanimous)*

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**61. Planning Application 13/03278/FUL - Viney Bridge Mills, South Street, Crewkerne (Agenda Item 16)**

The Area Lead West updated members that the Environment Agency had raised no objections to the application and had recommended a number of conditions in relation to foul surface water, maintenance of drainage system, contaminated land and the provision of a construction management plan. He also advised that the Highway Authority had raised no objections subject to conditions and were content with the visibility splays. The Education Officer had not requested any obligations. He recommended that completion of the S106 agreement should be in consultation with the Ward Members.

The Area Lead West with the aid of slides and photographs summarised the details of the application as set out in the agenda report including the key considerations. The Officer's recommendation was for approval.

In response to questions, the Area Lead West clarified points of detail raised by Members which included the following:

- Access via Shute Lake Lane would form a second means of access to the site in order to minimise the level of use from Weaver Close. The property owners would also have these access rights;
- The construction of the bridge would be included in one of the conditions recommended by the Highway Authority;
- Lighting would be agreed in the dark areas given the nature of the site.

The Committee was addressed by Nicki Carpenter in support of the application. She referred to the following issues:

- The need for additional lighting at the rear access;
- The need to ensure that development traffic does not conflict with existing traffic and parking;
- Reference was made to the communal area and whether this would be maintained by a management company;

- Suggested that consideration should be given to a one way system from the bridge.

The Applicant's Agent, Kevin Newton commented that the application had been achieved by close working with SSDC, local residents and various consultees. The building was dependant on HCA funding and if approved would make the development a reality. Based upon consultation responses the application came very close to addressing all the issues. He hoped that members would appreciate the amount of work undertaken and approve the application.

Ward Member, Cllr. John Dyke expressed his support for the application and appreciated the amount of work undertaken to achieve the application. He hoped if approved, the possibility of relocating the bridge could be explored.

Ward Member, Cllr Angie Singleton also expressed her support for the application subject to an amendment to Condition 24 to include in consultation with the Ward Members. She also recommended that Condition 14 be amended to including in consultation with the Ward Members.

During the ensuing discussion, members supported the views of the Ward Members.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation outlined in the agenda subject to the following:

- Details of the S106 Agreement to be agreed in conjunction with the Ward Members;
- An amendment to Condition 14 to include in consultation with the Ward Members;
- An amendment to Condition 24 to include in consultation with the Ward Members;
- An additional condition to agree external lighting;
- An additional condition to agree internal signage;
- Highway conditions to agree detail as necessary. To be agreed by the Development Manager in conjunction with Highway Officer and Ward Member.

On being put to the vote the proposal was carried unanimously.

**RESOLVED:** That Planning Application No 13/03278/FUL be approved as per the Planning Officer's recommendation subject to amendments to Conditions 14 and 24 to include consultation with the Ward Members, plus additional conditions for external lighting and internal storage, and Highway conditions to agree detail as necessary. To be agreed by the Development Manager in conjunction with Highway Officer and Ward Member and subject to the following:

### **Justification**

01. The proposed development by reason of its design, layout and appropriate reuse of listed buildings will preserve the character and appearance of the listed and historic buildings on site and the Conservation Area, would not adversely harm the amenity of adjoining residents and will secure the long term use of important redundant listed and historic buildings. Suitable mitigation will be provided for ecological interests, employment space will be provided and suitable provision shall be made for vehicle parking. The scheme is therefore in accord with saved policies ST3, ST6, ST6, ST10, EC8, EH1, EH2, EH3, EH4, and EH5 of the South Somerset



Local Plan and the Core planning Principles and Chapters 6,7 and 12 of the NPPF.

- (a) the prior completion of a Section 106 Planning obligation (in a form acceptable to the Council's solicitor before the decision notice granting planning permission is issued, to secure the £100,000 as outlined above.

**SUBJECT TO THE FOLLOWING:**

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

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

02. No development shall take place until a scheme for the phasing of development on the site has been submitted to and agreed in writing by the Local Planning Authority. Once agreed, the phasing shall not be changed without the written consent of the Local Planning Authority.

Reason: To ensure that the listed buildings are repaired and converted as part of the construction of the new build dwellings.

03. No development shall take place until the applicant, or their agents or successors in title, has implemented a programme of recording of any historic buildings to be demolished in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a copy of all recording to be deposited with the Somerset Record Office within 12 months of the demolition of the last building.

Reason: To ensure that adequate recording of buildings to be demolished has taken place.

04. There shall be no internal works to building 1, the Bucking House, until further plans and justification are submitted and approved by the Local Planning Authority.

Reason: To protect the character and appearance of the building to accord with saved Policy EH3 of the South Somerset Local Plan.

05. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build, unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of the special architectural and historic interests of the listed buildings to accord with saved policy EH3 of

the South Somerset Local Plan and policy in the NPPF.

06. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build unless full details of the boundary walls, including the materials, coursing, bonding and coping; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed in writing. Note: on sloping sites, the top of the wall should run with the slope of the land and not be stepped.

Reason: In the interests of the special architectural and historic interests of the listed buildings to accord with saved policy EH3 of the South Somerset Local Plan and policy in the NPPF.

07. No work shall be carried out to each building, including the bridge, as numbered in the Heritage statement, and in relation to the new build, until details of the new natural stonework/brickwork walls, including the materials, coursing, bonding; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed in writing.

Reason: in the interests of the special architectural and historic interests of the listed building

08. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5 Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan (Adopted April 2006).

09. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

10. The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of planning permission. In the event that completion

strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

Reason: To protect the character and appearance of the Listed buildings to accord with saved policy EH3 of the South Somerset Local Plan and the policy of the NPPF.

11. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build, unless details of the roof lights have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: in the interests of the special architectural and historic interests of the listed building to accord with saved policy EH3 of the South Somerset Local Plan.

12. All electrical, gas and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form.

Reason: In order to ensure that the development accords with the character of the area in accordance with saved Policy ST6 (EH1/EH5) of the South Somerset Local Plan as adopted 2006.

13. The development hereby permitted shall not be commenced until a scheme for the maintenance of the communal open space shown on the submitted plan has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully on the completion of that proportion of the total development specified in the scheme and the open space area shall thereafter be retained and maintained in complete accordance with the scheme.

Reason: To protect the setting of the listed buildings and Conservation Area to accord with saved policies EH1 and EH5 of the South Somerset Local Plan.

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include protection of features to be retained (such as the retting pond); proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing

materials; refuse or other storage units, signs, street lighting etc., proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: To protect the setting of the listed buildings and Conservation Area to accord with saved policy EH1 and EH5 of the South Somerset Local Plan.

15. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to reptiles, 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.

16. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for minimising disturbance and harm to badgers and enabling badgers continued access within their territory as appropriate for their welfare, and details of barrier fencing to minimise conflict between badgers and householders. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

17. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife

and Countryside Act 1981 and The Habitats Regulations 2010.

18. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work involving detailed building recording and intrusive archaeological investigations 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 any archaeology found on site is properly recorded to accord with the NPPF.

19. No development shall take place a site investigation report carried out by a competent person to include a desk study, site walkover, and the production of a 'conceptual site model' (CSM) has been submitted to the Local Planning Authority. The CSM will need to consider risks to human health and the environment.

Reason: In the interests of environmental health to accord with the NPPF.

20. An intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites Code of Practice shall be submitted to the Local Planning Authority. The report should refine and revise the CSM created in condition 1 (above) and include a detailed quantitative human health and environmental risk assessment. The report should state whether the site is 'fit for purpose' or whether remediation will be required. If the report suggests remediation is required, a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved must be submitted. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated as being remediated and fit for purpose.

Reason: In the interests of environmental health to accord with the NPPF.

21. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved in writing by the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In the interests of environmental health to accord with the NPPF.

22. In the event that any signs of pollution such as poor plant

growth, odour, staining of the soil, unusual colouration or soil conditions, or even actual remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority. The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site and if the Local Planning Authority considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

23. The development hereby permitted shall not begin until a scheme to deal with the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the Local Planning Authority dispenses with any such requirement specifically in writing.

Reason: To protect the health of site workers and future occupiers of the site, in accordance with Local Planning Policy.

24. No development shall commence on site until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include details of construction work hours, construction delivery hours, the routing of construction vehicles to and from the site, the location of the constructor's compound both for the parking of construction and contractor's vehicles and storage of materials, and the methods/practices for minimising the level of dirt and mud being brought onto the public highway and a scheme to ensure the local roads are cleaned on a regular basis.

Reason: To protect the amenity of local residents during construction and to ensure the local highway network is maintained in safe and clean condition.

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

Drawing numbers: 2012/COXLEY/02/01B, 01.1C, 01.2C, 02C, 02A, 10C, 11C, 12A, 17A, 19 B, 20C, 21A, 22C, 24A, 25B, CON13A, CON14 .

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

planning.

26. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity of the area to accord with saved Policy ST5 of the South Somerset Local Plan.

27. 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 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: To ensure that the scheme is properly drained to accord with the NPPF.

28. No external lighting shall be installed within the application site unless details of the lighting has been submitted to and approved in writing by the LPA.

Reason: To protect the amenities of the area to accord with saved policies ST5 and ST6 of the South Somerset Local Plan.

29. Before any of the dwellings hereby approved shall be first occupied, details of internal site signage shall be submitted to and approved in writing by the LPA. Once agreed, the signage shall be installed before the occupation of any of the dwellings.

Reason: In the interests of highway safety and residential amenity to accord with Saved Policy ST5 and ST6 of the South Somerset Local Plan.

30. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses,

carriageway gradients, drive gradients, car, motorcycle and cycle parking, street furniture and tactile paving shall be constructed, laid out and maintained 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, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity to accord with Saved Policy ST5 and ST6 of the South Somerset Local Plan.

Informatives:

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged. However, the information required for the Natural England licence application will often also be suitable for submission to the Council when applying for discharge of the relevant condition.

*(Voting: unanimous)*

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**62. Planning Application 14/02863/OUT - Holcombe House, Beadon Lane, Merriott (Agenda Item 17)**

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the agenda report including the key considerations. He updated members that two further letters had been received regarding the public right of way access. The Planning Officer's recommendation was to approve the application.

In response to questions, the Planning Officer clarified points of detail raised by Members of the Committee. Members were informed that seeking access to the proposed site through the Public Right of Way used by two other properties would be a civil matter for the applicant to resolve.

The Committee was addressed by Maria Payne in objection to the application. She referred to the following concerns:

- The application was outside of the development area;
- Planning policies should not be ignored;
- If approved, the application could set a dangerous precedent;
- Increase in vehicle traffic;
- Impact of closing and diverting the footpath.

The Ward Member, Cllr. Paul Maxwell referred to the site being outside of the development area and was an example of 'back garden development'. He felt that the



access was tricky and that the development if approved would set a precedent. He was unable to support the application.

During the ensuing discussion, some members expressed their support for the application and felt that the natural development limit of Merriott was along the right of way and one more dwelling would not alter the character of the area; and that every application should be considered on its own merits.

The Area Lead West commented that the Development Area was becoming increasingly out of date and referred to a number of applications being approved in Area East. He commented that Merriott was considered to have a reasonable level of services. He considered the built form to be acceptable. The application was for outline permission only with reserved matters being considered at a later date. He referred to the issue of the application setting a precedent and advised members that each application should be considered on its own merits.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation. On being put to the vote the proposal was carried 7 in favour, 4 against and 1 abstention.

As the consultation period for publicity in relation to the adjacent public right of way does not expire until the 28th of August 2014, it was recommended that the Planning Manager be granted delegated powers to approve this application unless substantive additional representations to refuse the application are received.

**RESOLVED:** That Planning Application No. 14/02863/OUT be **APPROVED** as per the Planning Officer's recommendation for the following reason:

01. Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to be prejudicial to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and

Compulsory Purchase Act 2004).

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered site location plan date stamped 7th July 2014.

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

03. Notwithstanding that the 'reserved matters' which include the layout, the development hereby approved shall be limited to one dwelling.

Reason: In the interests of the visual amenity and landscape character of the area, in accordance with Policy ST5 of the South Somerset Local Plan.

04. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

a) particulars of the materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;

b) particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

05. Concurrently with the submission of the reserved matters, details of a proposed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

(i) The approved landscaping/planting scheme shall be carried out and completed within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Saved Policy ST5 of the South Somerset Local Plan adopted April 2006.

06. Concurrently with the submission of the "reserved matters"

for the construction of the proposed dwelling, details of the off-street parking and turning facilities shall be submitted to and approved by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the vehicular parking facilities have been provided and made available for use in accordance with the approved details. These facilities shall be maintained available for those purposes thereafter

Reason: In the interests of highway safety in accordance with Saved Policy ST5 of the South Somerset Local Plan.

07. No work shall commence on the development site a drainage scheme for the site including an appropriate right of discharge of surface water, details of gullies, connections, soakaways, means of attenuation on site and drainage measures to prevent the discharge of water onto the highway 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: The local planning authority wish to ensure that satisfactory drainage is provided to serve the proposed development so as to avoid environmental, amenity or public health problems in compliance with Saved Policies ST5, EU3 and EU4 of the South Somerset Local Plan adopted April 2006.

Informatives:

01. The applicant is advised that the grant of planning permission does not give vehicular access rights over the public right of way for construction or occupation of the dwelling. The applicant is further advised that access rights must be resolved through the relevant statutory process prior to construction of the dwelling hereby approved.

02. If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

*(Voting: 7 in favour, 4 against, 1 abstention)*

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**63. Planning Application 14/02626/FUL - Land north of Classet House, Frog Lane, Combe St Nicholas (Agenda Item 18)**

The Planning Officer updated members that 2 further letters of objection had been received including a photo montage that would be displayed during the Planning Officer's

presentation. With the aid of slides and photographs the Planning Officer summarised the details of the application as set out in the agenda report including the key considerations. The Planning Officer's recommendation was to approve the application.

In response to questions, the Planning Officer clarified points of detail raised by Members. Members were informed of the following:

- A condition would be included to agree details of materials;
- The proposed dwelling would sit 5 metres forward of the building line. Amended plans had been received which set out the finished floor levels;
- The difference in ridge height between the proposed dwelling and Classet House was 1.2 metres which reflected the topography of the area.

Comments raised by Mr Goddard and Mr Watts in objection to the application included the following:

- Proposed dwelling was substantially higher than existing dwellings;
- Proposed dwelling was intrusive to neighbouring properties;
- The proposal was outside the development boundary;
- The proposal was out of keeping with the existing landscape.

The Committee was then addressed by the Applicant's Agent, Andrew Preston. He informed members that the applicant was a former resident and wished to return to the village. He commented that the site was just outside the settlement limit and was the last vacant plot along Frog Lane and was a natural location for development. He referred to the plot being in a sustainable location which adjoined existing housing. The design was in keeping with the area. The proposed dwelling was slightly higher but was in line with the natural rise in properties. There would be no overlooking and appropriate boundary treatments were being proposed.

Ward Member, Cllr. Ros Roderigo referred to the proposed development being outside settlement limits and that the Parish Council was always opposed to this. She raised concerns over the dwelling being 5m in front of the existing houseline and was therefore unable to support the application.

During the ensuing discussion, a member supported the views of the Ward Member. He also felt that the proposed dwelling was unsuitable for the site as it was a small house and a difficult plot.

The Area Lead West referred to the height difference being a metre and a half and advised against height difference being a reason for refusal. He advised members to consider whether the development would cause adverse harm to the neighbouring property.

It was proposed and seconded to refuse the application for the following reasons:

- The overbearing nature of the development;
- Inappropriate design;
- The proposal was contrary to policy ST6.

On being put to the vote the proposal was carried unanimously.

**RESOLVED:** That Planning Application No. 14/02626/FUL be **REFUSED** contrary

to the Planning Officer's recommendation for the following reason:

The proposed development by reason of its siting, design and layout would have an adverse overbearing impact on the adjacent property known as 'Classet House' to the detriment of the amenities of these adjoining occupiers contrary to Saved Policy ST6 of the adopted SSLP.

*(Voting: unanimous)*

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**64. Planning Application 14/02685/FUL - Former ladies public convenience, West Street, Ilminster (Agenda Item 19)**

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the agenda report including the key considerations. The Planning officer's recommendation was to approve the application.

There were no questions from members of the Committee.

The Committee was addressed by Mr Tim Adams in objection to the application. He read out a statement raising some concerns over waste of public funds and lack of consideration for alternative proposals. (A copy of the statement is available from Democratic Services upon request).

Ward Member, Cllr; Carol Goodall referred to Ilminster Town Council recommending approval and commented that the floor area seemed small.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation. On being put to the vote the proposal was carried 8 in favour and 4 abstentions.

**RESOLVED:** That Planning Application No. 14/02685/FUL be **APPROVED** as per the Planning Officer's recommendation for the following reason:

01. The proposed change of use will result in economic benefits and by reason of the limited fenestration alterations will respects the character and appearance of the Conservation Area. Due to the location and proposed use there will be no adverse impact upon highway safety, parking provision or the residential amenities of surrounding properties. The proposal is therefore in accordance with the aims and objectives of the National Planning Policy Framework, Somerset County Council Parking Strategy and saved policies ST5, ST6, EH1 and ME3 of the South Somerset Local Plan 2006.

**SUBJECT TO THE FOLLOWING:**

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

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

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

Location Plan (1:1250) 1282-11 received 5 June 2014

Proposed floor Plan (1:50) 1282-02B and proposed elevations 1282-03A received 25 July 2014

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

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

a. details of materials (including the provision of samples where appropriate) to be used for the external walls;

b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows and doors;

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

Reason: To safeguard the character and appearance of the conservation area in accordance with policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

*(Voting: 8 in favour, 4 abstentions)*

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**65. Planning application 14/02439/FUL - Chard & Ilminster News, 3 & 3A Fore Street, Chard (Agenda Item 20)**

Having earlier declared a Disclosable Pecuniary Interest (DPI), Councillor Jenny Kenton left the meeting during consideration of the item.

The Planning Officer with the aid of slides and photographs summarised the details of the application, as set out in the agenda report including the key considerations.

The recommendation was to approve the application.

There were no questions raised by Members.

The Ward Member, Cllr. Martin Wale referred to only a small part of the building being listed. He fully supported the Planning Officer's recommendation to approve the application.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation outlined in the agenda report. On being put to the vote the proposal was carried unanimously.

**RESOLVED:** That Planning Application No. 14/02439/FUL be **APPROVED** as per the Planning Officer's recommendation for the following reasons:

01. The proposed change of use to a mix of office and residential is considered to be an appropriate use within this town centre location as such it is in accordance with Policy MC4 of the South Somerset Local Plan 2006.

02. The proposed change of use and associated alterations by reason of their size, scale, design, materials and position, and limited/informed intervention into the historic fabric of this listed building, are considered to respect the historic and architectural interests of the building and preserve the character and appearance of the conservation area. This is in accordance with policies EH1 and EH3 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: KCWP1, KCWP3 and KCWP4 received 2 June 2014.

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

03. No work shall be carried out on site unless details of the design, materials and external finish for the new front door and window have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan 2006.

*(Voting: unanimous)*

**66. Planning Application 14/02440/LBC - Chard & Ilminster News, 3 & 3A Fore Street, Chard. (Agenda Item 21)**

Having earlier declared a Disclosable Pecuniary Interest (DPI), Councillor Jenny Kenton left the meeting during consideration of the item.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation. On being put to the vote the proposal was carried unanimously.

**RESOLVED:** That Listed Building Consent be **APPROVED**.

01. The proposed change of use and associated alterations by reason of their size, scale, design, materials and position, and limited/informed intervention into the historic fabric of this listed building, are considered to respect the historic and architectural interests of the building and preserve the character and appearance of the conservation area. This is in accordance with policies EH1 and EH3 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: KCWP1, KCWP3 and KCWP4 received 2 June 2014.

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

03. No work shall be carried out on site unless details of the design, materials and external finish for the new front door and window have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan 2006.

04. No work shall be carried out on site unless details of all new services to all bathrooms, kitchens etc. including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning



Authority.

Reason: in the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

*(Voting: unanimous)*

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**67. Date and venue for next meeting (Agenda Item 22)**

Members noted that the next scheduled meeting of the Committee would be held on Wednesday 17<sup>th</sup> September 2014 at the Guildhall, Chard.

**NOTED.**

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Chairman

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Date