

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 14 October 2015**.

(9.00 am - 4.50 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Beech	Tim Inglefield (to 12.30pm)
Tony Capozzoli (to 3.15pm)	Mike Lewis
Nick Colbert (to 3.15pm)	David Norris
Henry Hobhouse	Colin Winder

Officers:

Helen Rutter	Area Development Manager (East)
Adron Duckworth	Conservation Manager
Andrew Tucker	Conservation Officer
Neil Waddleton	Section 106 Monitoring Officer
Alice Knight	Welfare & Careline Manager
Adrian Noon	Area Lead (North/East)
Angela Cox	Democratic Services Manager
Jo Boucher	Democratic Services Officer
Angela Watson	Legal Services Manager
Nick Head	Planning Officer
David Norris	Development Manager
Lee Walton	Planning Officer

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

82. 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)."

83. Historic Buildings at Risk (Confidential) (Agenda Item 2)

The Conservation Officer, with the aid of photographs, detailed the historic buildings at risk in Area East and provided Members with an update on the current position of each building.

The Conservation Officer and Conservation Manager responded to members' questions on points of detail regarding specific cases.

84. Minutes of Previous Meeting (Agenda Item 3)

The minutes of the meeting held on 9th September 2015, copies of which had been circulated, were agreed and signed by the Chairman, subject to the following addition (in **bold**) to the Ward Members comments on Agenda item 14: Planning Application 15/03137/FUL Woodhouse Farm Limington - Boarding Kennels:-

Ward Member Cllr Tony Capozzoli spoke in objection to the application; he was concerned that no mention had been made within the officer's report regarding the diversification from a farm to dog boarding kennels. **He also noted the application site was within the parish of Mudford and not Limington as described in the officer's report.** He felt the application should be refused as the tranquillity of the area would be spoilt.

85. Apologies for absence (Agenda Item 4)

Apologies for absence were received from Councillors Sarah Dyke-Bracher, Anna Groskop and William Wallace.

86. Declarations of Interest (Agenda Item 5)

Councillor Michael Lewis declared a personal interest in Agenda item 15/02347/OUT: Land Os 1445 (part) Torbay Road, Castle Cary, as a member of Somerset County Council, who would be responsible for the primary school allocated to the site.

87. Public Participation at Committees (Agenda Item 6)

There were no questions from members of the public present.

88. Reports from Members Representing the District Council on Outside Organisations (Agenda Item 7)

Councillor Colin Winder reported that following receipt of the letter of 29th September from the Assistant Director (Economy) regarding the Area East Committee's enquiry as to the status of the Heritage Strategy in the Local Plan, he would be proposing a Motion at Council the following week relating to the completion and early adoption of the Heritage Strategy as part of the Local Plan documents.

Councillor Michael Lewis reported that survey work was being undertaken on the A303 at the current time.

Councillor Nick Weeks reported that he had attended a tour of the rivers Axe and Brue Drainage Boards and had seen their flood prevention works at first hand.

Councillor Henry Hobhouse reported that he had attended a Viridor/Dimmer Liaison meeting during September where they had discussed the possible water pollution of the river Cary from the Dimmer site.

Councillor Tim Inglefield reported that he was part of the working group looking at various District Councils in the area as suitable for partnership working and a report would be presented to Full Council the following week.

Councillor Colin Winder reported that he had attended a meeting of the South West Employers group in Taunton where it had been reported that local government pay increases would be set by the Government and the pension liabilities remained quite high.

89. Feedback on Reports referred to the Regulation Committee (Agenda Item 8)

It was noted that there had been no recent meetings of the Regulation Committee.

90. Chairman Announcements (Agenda Item 9)

The Chairman advised that the Community Asset Transport Bus would be in the car park at 1.00pm for Members to view.

91. Date of Next Meeting (Agenda Item 10)

Members noted the date of the next meeting would be Wednesday 11th November 2015 at 9.00am at Churchfield, Wincanton.

92. Section 106 Obligations (Agenda Item 11)

The Section 106 Monitoring Officer introduced his report to Members. He advised that there had been two major changes in legislation affecting S106 obligations since his last report. The first was that S106 obligations could not be sought from developments of 10 dwellings or less and the second was that no contributions could be sought for specific infrastructure projects if 5 or more obligations had already been entered into, and, the infrastructure was capable of being funded through Community Infrastructure Levy (CIL).

In response to questions from Members, the Section 106 Monitoring Officer advised:

- The development recently given planning permission in Ilchester did not yet have a signed S106 obligation, so was not yet listed in the report.
- He was awaiting a response from Wincanton Town Council on their plans for the S106 funding of £150,000 from the Deansley Way development.
- S106 funding had only been collected since 2006/07 by the District Council; prior to this the funding had gone to Somerset County Council for specific projects.
- Once S106 money had been received from a developer, then the Ward Members and the Area Development and Sport, Arts and Leisure teams discussed the local projects it could be allocated to.
- The choice of projects to allocate S106 funding towards was restrictive, however, CIL funding allowed more flexibility to choose local priorities like cycle paths.

At the conclusion of the debate, the Chairman thanked the Section 106 Monitoring Officer for attending and Members were content to note the report.

RESOLVED: That the Area East Committee noted the report and verbal update and endorsed the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations.

Reason: To receive information on signed Section 106 agreements relating to development within Area East.

93. South Somerset Careline Annual Report 2014/15 (Agenda Item 12)

The Welfare & Careline Manager introduced her report and advised Members that the Careline service had over 2,000 customers across South Somerset who paid a weekly charge of £3.81 for the service. She drew Members attention to their other services which included telecare, smoke detectors and epilepsy sensors. She also noted that they assisted with hospital patient discharges by providing a free service for a limited period on discharge. She said that they had 376 clients within Area East and she asked Members to promote the service to residents.

In response to questions from Members, the Welfare & Careline Manager advised:

- That Yarlinton Homes operated their own lifeline service for their residents, however, the Careline service was also available to them.
- The service was promoted in Doctors surgeries.
- There was a comfort call service available where an operator would call a client on a daily basis to check their well-being.

During discussion, Members voiced their support for the service which allowed independence, comfort and security for elderly residents. At the conclusion of the debate, the Chairman thanked the Welfare & Careline Manager for attending and providing an informative update report.

RESOLVED: That the Area East Committee noted the South Somerset Careline Annual Report 2014/15.

94. Work Hubs (Executive Decision) (Agenda Item 13)

The Neighbourhood Development Officer (Economy) reminded Members that they had received a report on Work Hubs in March 2015 where they had ring fenced £8,000 to progress the project. She advised that there was vacant office space in Churchfield and elsewhere in town. The research would explore demand for easy access hub facilities in the area. The project was in its early stages and the allocated funding would only be spent if required.

During a brief discussion, the Neighbourhood Development Officer (Economy) confirmed that a detailed proposal would be presented later, and, allocating the ring fenced funding would not restrict other projects.

At the conclusion of the debate, Members unanimously agreed to allocate the funding as recommended.

RESOLVED: That the Area East Committee agreed:

1. To note discussions on a joint venture with potential third party partners;
2. To approve the allocation of the £8,000 ring fenced funding as follows:
 - Up to £1,000 for the provision of hot desk facilities at Churchfield offices, Wincanton.
 - Up to £5,000 for research into the viability a work hub in Area East.
 - Up to £2,000 to support creative art work/show room space in Wincanton.

Reason: To agree the allocation of £8,000 ringfenced from the Members Discretionary budget towards the development of a work hub in Area East.

(Voting: unanimous in favour)

95. Area East Committee Forward Plan (Agenda Item 14)

The Area Development Manager (East) advised that a confidential report on the Henstridge Airfield would be presented to the Committee in November. Also a report on the powers available under Section 215 of the Town and Country Planning Act would be added to the Forward Plan. She noted that the LEADER programme had only just commenced and so that report would be deferred until April 2016, when projects would be coming forward.

NOTED

96. Items for information (Agenda Item 15)

The Chairman noted that the planning appeal at Dimmer had failed.

NOTED

97. Schedule of Planning Applications to be Determined by Committee (Agenda Item 16)

Members noted the Schedule of Planning Applications.

98. 15/02187/FUL - Land OS 2269 Old Bowden Way, Milborne Port (Agenda Item 17)

The Planning Officer presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site and proposed plans. He updated members that no further objection had been received from Milborne Port Parish Council on the amended scheme, although there is concern regarding the potential visual impact on the local surroundings.

He confirmed that the key considerations included:

- Principle of Development
- Landscape Character and Visual Appearance
- Impact on Heritage Assets
- Highway Safety
- Residential Amenity

The Planning Officer told members that the original scheme had now been amended to reduce the area covered by the solar array and therefore made for a more compact site. His recommendation was therefore to approve the application as detailed in the agenda report.

Pamela Alexander, Representative of Milborne Port Parish Council, addressed the committee. She confirmed that the Parish Council had no further objections to the amended scheme, however she requested that concerns be noted including:

- The proposed development is adjacent to a relatively new housing estate.
- Proposed access is located on a sharp bend in the road.
- Considerable visual impact on the millennium view point.
- If application approved requested that direct financial community benefit is guaranteed and that the adjacent site is not used for future development.

Sally Phipps spoke in objection to the application. She voiced her concerns regarding the visual impact the scheme would have on the surrounding countryside including tarnishing the beautiful views from many view points in the area.

Lilian Elsa also spoke in objection to the application. She expressed her concern regarding the use of what is excellent agricultural land and the wildlife benefits of the current land use. She felt that covering farmland with Solar Parks was not acceptable and should simply be kept to brownfield sites.

Mr Wai-Kit Chung, the applicant addressed the committee. He reported that they were offering local people the chance to invest in the scheme and that this would financially support local projects. He also explained that a suitable landscape scheme would be undertaken and that the land would continue to be used for agricultural use including the grazing of sheep on the land. He said there would be direct feed to the nearby sub-station therefore reducing the need for lengthy cabling and concluded that all statutory consultees had raised no objections to the application.

Mr Gregory Evans the agent, explained that the scheme would produce electricity for over 900 local homes each year and that this was a small scheme offering financial community benefit to the local area. He explained the scheme was temporary and therefore the land would return to normal use after the solar term had ended. He

referred to the National Planning Policy Framework (NPPF) where clear advice states that renewable energy projects be supported where possible. He concluded that no other viable land is available for this area.

Councillor Tim Inglefield spoke on behalf of Councillor Sarah Dyke-Bracher (Ward member) in her absence to express her concerns on the application. These included the severe impact the development would have on the views from the Millennium View Point and the severe impact the solar array would have on the character and appearance of the countryside. It was suggested a site visit by members be taken for members to truly appreciate the outstanding area of countryside.

Councillor Tim Inglefield said he agreed with these comments and also felt the application would be detrimental to the character and appearance of the countryside. He understood that currently there were several other Photovoltaic (PV) Arrays within the area and was concerned at the cumulative impact they would have on the local area.

During members' discussion, several concerns regarding the application were made including the following:

- Need to safeguard the outstanding views of the area.
- Scheme would be extremely intrusive of the countryside.
- Loss of good agricultural land.
- Concern regarding the Cumulative impact of PV Arrays in the area.
- Priority should be given to Brownfield sites.
- Completely ruin the views for the Millennium viewpoint.
- Little weight should be given from appeal decisions relating to comparable schemes.

Members also raised comments in support of the application which included:

- NPPF suggests authorities should look to positively promote renewable energy.
- Financial benefit to local community.
- Appreciate the views and natural beauty of the area however development taking place continually.
- Noted the support of the Parish Council.
- Any cumulative impact would not be a reason to reject the scheme.
- Consideration should be given to appeal decision relating to comparable schemes.

Members then discussed and proposed that the application be deferred for a members site visit to take place. This was lost by 3 votes in favour and 5 against.

During a short debate, members led by the Area Leads North/East discussed and suggested reasons for refusal. It was then proposed and subsequently seconded that planning permission be refused, contrary to the officer's recommendation for the following reasons as read out by the Area Leads North/East.

'Notwithstanding the benefits that would stem from renewable, low carbon power generation, the proposed solar park would be sited in close proximity to an overlooking ridge from which there are publicly accessible viewing points, including the purpose built millennium viewing area. The introduction of a large scale installation of photovoltaic panels, and associated infrastructure would constitute an

alien feature within this highly distinctive and publicly viewable landscape that would erode the landscape character and local distinctiveness to the detriment of visual amenity. As such the proposal is contrary to Policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework, specifically Chapter 11 and the Core Planning Principles set out at paragraph 17 (bullet points 5 and 7)'.

On being put to the vote this was carried by 5 votes in favour, 4 against and 0 abstentions.

RESOLVED:

That application **15/02187/FUL** be refused for the following reason:

'Notwithstanding the benefits that would stem from renewable, low carbon power generation, the proposed solar park would be sited in close proximity to an overlooking ridge from which there are publicly accessible viewing points, including the purpose built millennium viewing area. The introduction of a large scale installation of photovoltaic panels, and associated infrastructure would constitute an alien feature within this highly distinctive and publicly viewable landscape that would erode the landscape character and local distinctiveness to the detriment of visual amenity. As such the proposal is contrary to Policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework, specifically Chapter 11 and the Core Planning Principles set out at paragraph 17 (bullet points 5 and 7)'.

(voting: 5 in favour, 4 against. 0 abstentions)

99. 15/02718/FUL - Land OS 0034 Bowden Lane, Henstridge (Agenda Item 18)

The Planning Officer presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site and proposed plans. He referred to the National Planning Policy Framework (NPPF) where clear guidance states that renewable energy projects be supported where impact on the surrounding area is proved acceptable.

He confirmed that the key considerations included:

- Provision of Renewable Energy
- Landscape Impact
- Highway Safety
- Impact on Amenity
- Impact on Heritage Assets

The Planning officer also understood that there were some Archaeological remains on site which required Condition 15 to ensure further investigation work is carried out prior to commencement of works. He also clarified to members that the NPPF states that there is not a requirement for the applicant to prove the need for the development as

long as the impact is or can be made acceptable. His recommendation was therefore to approve the application as detailed in the agenda report.

Lilian Elsa spoke in objection to the application as representative of the Campaign to Protect Rural England (CPRE). She said this development would be contrary to the NPPF where decisions should look to protect areas of significant amenity value and raised concern where electricity cannot be stored with possible leakage from nearby sub-station.

Mr Richard Pelet spoke in support of the application. He explained as Trustees of the land it carried heavy responsibility of heritage land which required constant upgrading. It included Sites of Special Scientific Interest (SSSi) nearby and includes several long term tenanted farms. He said farming was currently in crisis and therefore there was a need for outside income from diversification to provide stability. He concluded he had rejected larger proposals in the last 15 years including installation of windmills due to the massive impact these would have for miles around and that this was a small scheme which was out of the way but within proximity of the line of electricity.

Mr Rupert Cotterell, the applicant explained this scheme was an excellent way to utilise the land to supply green energy. He said new hedgerows would be planted, there had been no objections from the statutory consultees and felt the impact on the landscape was minimal which caused no demonstrable harm to local residents and provided local financial benefit. He therefore concluded the benefits of the provision outweighed any impact on the character of the land and accords with Planning Policy.

Councillor Tim Inglefield, Ward member raised concern regarding the increasing amount of these proposed schemes could have in the area. He considered the location in this instance to represent an ideal site for such schemes being on top of a hill and bounded by hedgerow, and therefore considerably hidden from the roadside and general public view. He would therefore accept and support the application.

At this point of the discussion Dr Ewan Jones wished to correct a mis-statement in regard to comments made on both this and the previous application which opinion indicated Area East had more than delivered enough PV arrays for the area.

In response he was advised that the comments were made in relation to the locality of Area East and not the countywide area of Somerset as a whole.

During members' discussion, several comments were made including the following:

- Considered the proposal to be in an acceptable location where any impact on the landscape can be fully mitigated.
- Financial benefit to land owner and local community.
- Appropriate use of agricultural land in this instance.

During a short debate, the Planning Officer informed members that an amendment to Condition 2 would be made to allow for the amended plans. It was then proposed and subsequently seconded that planning permission be approved, as per the officers recommendation and subject to the updating of Condition 2. On being put to the vote this was carried unanimously.

RESOLVED:

That planning application **15/02718/FUL** be approved subject to the following:

01. Notwithstanding local concerns it is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, outweigh the limited impact the proposal will have on the local landscape character. As such the proposal accords with the aims and objectives of Policies SD1, TA5, TA6, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

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

- Planning Layout Drg. No. 1253-0201-01 Issue 03;
- Site Location Plan Drg. No. 1253-0200-05 Issue 01;
- Construction Access and Cable Route Drg. No 1253-0201-05;
- Proposed Compound Area Drg. No. 1253-0201-20 Issue 01;
- CCTV Detail Drg. No. 1253-0204-00 Issue 01;
- Steel and Timber Fencing Detail 22 degrees Panel Angle - Drg. No. 1253-0205-03 Issue 01;
- Mounting System Detail Drg. No. 1253-0206-09 Issue 01;
- Inverter Station Detail Drg. No. 1253-0207-16 Issue 01;
- Spares Container Detail Drg. No. 1253-0207-40 Issue 01;
- SSE DNO Access Road Section - Drg. No. 1253-0208-10 Issue 01;
- Private Switchgear - Drg. No. 1253-0208-54 Issue 01;
- DNO Switchgear Drg. No. 1253-0208-71 Issue 01;
- Water main easement - Drg. No. 1253-0200-50 Issue 01.

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

03. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with the aims of the NPPF and Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan.

04. No development hereby permitted shall be commenced unless a site management plan for tree, hedge and grass maintenance of the site has been submitted to and approved in writing by the Local Planning Authority. Such management plan, once

agreed, shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

05. 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 and planting, 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 completely carried out within the first available planting season from the date of commencement of the development. For the duration of this permission the trees and shrubs shall be protected and maintained, and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and landscape character in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

06. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

07. No CCTV equipment or other cameras shall be installed on the site other than that shown on the submitted layout plan ref. 1253-0201-01, in accordance with the CCTV design details submitted with the application.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

08. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity and to safeguard the rural character of the setting in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

09. No development hereby permitted shall be commenced unless details of the means of connection to the electricity grid from the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

10. No development here by permitted shall be commenced unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such Plan shall seek to regulate, in terms of best practice, hours of operation, deliveries, and impacts of noise, dust, fumes, vibration, traffic, delivery routes etc., during construction, in the interests of traffic management and amenity. Any alterations to the vehicular access shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, traffic management and amenity, in accordance with the aims of the NPPF and Policies EQ2 and TA5 of the South Somerset Local Plan.

11. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained for the duration of the construction phase.

Reason: In the interest of highway safety to accord with TA5 of the South Somerset Local Plan.

12. Prior to the commencement of development, details of measures for the benefit of wildlife (e.g. bat and bird boxes, wildflower sowing and management) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

13. No works in respect of the solar park hereby permitted unless details of the finished colour of the security fencing and the finished colour and position of the CCTV equipment has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

14. The supporting posts to the solar array shall not be concreted into the ground.

Reason: In the interest of sustainable construction and to accord with part 10 of the National Planning Policy Framework.

15. 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 in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard archaeological remains on the site and to accord with the NPPF and Policy EQ3 of the South Somerset Local Plan.

16. No development hereby permitted shall be commenced unless details of the access to the site, including visibility splays, layout and surfacing materials, have been submitted to and approved in writing by the Local Planning Authority. Such details shall be fully implemented prior to commencement of the installation of solar panels and equipment, and shall thereafter be retained and maintained for the lifetime of the permission.

Reason: In the interests of highway safety, and to accord with the NPPF and Policy TA5 of the South Somerset Local Plan.

Informatives:

01. The applicant is advised to contact the Highway Authority with a view to carrying out condition surveys of the roads in the vicinity of the site to be used for access purposes during construction, and to agree the scope of repairs required. Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.

The Area Highway Office in Yeovil can be contacted on 0845 3459155 to arrange for the condition survey to be carried out.

(voting: unanimous)

100. 15/02933/OUT - Land between Bankside and the Piggery Lily Lane, Templecombe (Agenda Item 19)

The Planning Officer presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site and proposed plans.

He considered the proposed area to be a natural break between the general 'ribbon' arrangements to the east and singular cluster of building to the west. He referred to the history of planning appeals within the area that had recently been dismissed on similar grounds and advised that should members be minded to approve the application the area could be subject to further infill and would expect a precedent to be set for further applications in this area.

He considered the character and appearance would be detrimental to the area as perceived as a natural break between housing and therefore his recommendation was to refuse the recommendation for reasons as set out in the agenda report.

Janet Montgomery the Agent addressed the committee. She advised members that the two single storey dwellings were for the elderly owners and that the other property for a member of the family. She said this would allow the applicant and family to remain living locally and that this application has substantial amendments from the previous refused application. She confirmed the applicant would be happy with the planting of an orchard should this be conditioned and the decision of the previous appeal decision on this site

should be given little weight due to the recent changes in Planning Policy. She concluded the development would provide social development where the Council fail to provide a five year land supply, aid economic growth and considered the development to be in keeping with the local area with a gradual easing along Lily Lane.

Councillor Tim Inglefield Ward member believed consideration should not be given to previous appeal decisions as policy had since changed and did not believe Policy SS2 to be strong enough to refuse the application. He noted the local Parish Council had made no objection and considered that further development had already been established further along the lane. If assurance was given to ensure orchard planting and exact residential area he would support the application.

During members' discussion, several comments were made including the following:

- Understood government guidance should aid the elderly were possible to downsize.
- Each application should be considered on its own merits.
- Should look to support local housing need.
- Considered the proposal would not be detrimental to the character or appearance of the local area.

During a short debate, members led by the Area Leads North/East discussed and suggested reasons for approval. It was then proposed and subsequently seconded that planning permission be approved, contrary to the officer's recommendation for the following reasons as read out by the Area Leads North/East.

'The proposal for 2 bungalows would meet a local need without detriment to the character of the locality, highways safety or residential amenity. As such the proposal complies with policies SS2, SD1 and EQ2 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

With Conditions to include:

- Standard outline conditions (time & reserved matters)
- Dwelling shall only be single storey (to ensure they meet the identified need as required by policy SS2).

On being put to the vote this was carried unanimously.

RESOLVED:

That application **15/02933/OUT** be approved subject to the following:

'The proposal for 2 bungalows would meet a local need without detriment to the character of the locality, highways safety or residential amenity. As such the proposal complies with policies SS2, SD1 and EQ2 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING CONDITIONS:

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 2015.

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 2015.

04. The dwelling(s) hereby permitted shall only be single storey.

Reason: To enable the Local Planning Authority to retain control over the development and ensure that it meets identified need for single storey dwellings, further to Policy SS2 and EQ2 of the South Somerset Local Plan 2006- 2028.

(voting: unanimous)

101. 15/02347/OUT - Land OS 1445 Part Torbay Road, Castle Cary (Agenda Item 20)

Councillor Mike Lewis confirmed that as a Somerset County Councillor and although did not have a prejudicial interest in application 15/02347/OUT he would abstain from voting.

The Area Lead East presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site, proposed plans, photos of the vicinity and coloured plan of the proposed schemes within the area and relationship with each.

He proceeded to provide members with several updates including:

- Clarified position of support from Castle Cary Town Council with request for conditions to take account of:
 - Traffic management to ensure residential traffic exits onto Station Road with employment/industrial traffic exit onto Torbay Road.
 - No ransom strips be contained within the site.
 - Somerset County Council (SCC) consider the expansion of the existing primary school
 - Ensure Section 106 contributions remain in the community.

- 'Care4Cary' comments had also been received which included:
 - That SCC commit to expansion of the existing primary school.
 - Limit employment/commercial use onsite.
 - All residential traffic including construction traffic to be via Station Road with all residential traffic exit onto north of site Station Road with employment/industrial traffic exit to Torbay Road.
 - Preclusion of link road through the proposed site.

In response to these comments the Area East Lead clarified to members that:

- Traffic management issues and layout can be established at reserved matter stage should members be minded to approve the application.
- Ransom strip control is not typically recognised through planning condition.
- Careful consideration should be given at this stage to restrict employment land use as any restrictions could prevent a local employer occupying the land.
- A provision for modest construction traffic off Torbay Road for first 25 dwellings could be considered and restriction can be made should members be minded to approve the application.

The Area Lead East then proceeded to update members that:

- The Area Development Team raised concern regarding the cumulative development and overall plan of all schemes within the area. They welcomed the employment provision but were concerned over the expansion of such sites.
- Somerset County Education had now revised and increased the cost of education per place to £14,007.00.
- SCC as flood authority raised no objection to drainage subject to detail.

The Area East Lead also referred to the key considerations which included:

- Principle of development
- Cumulative impact
- Local landscape and visual amenity impact
- Residential amenity
- Highway issues
- Planning Obligations

He confirmed that his recommendation was to approve the application for reasons as detailed in the agenda report.

Mrs Liz Stokes Chair of Castle Cary Town Council addressed the committee. She confirmed support for the proposal and recognised the need for new housing close to the town centre. She referred to the draft Neighbourhood plan which would help and allow development in the town to grow appropriately and maintain the character of the town. She confirmed positive negotiations had taken place with the applicant's agent and therefore in this instance the Town Council would look to support this application as only way to defend other applications and limit the impact of development in the town.

Mrs Pek Peppin Chair of Planning on Castle Cary Town Council addressed the committee. She voiced concern over the application including:

- Believed more influence should be given to local people over such developments and concerned in future to be forced by policy to accept all these proposed developments within the area.
- Cumulative schemes would change the character of the town and put a huge strain on the infrastructure and surrounding road network.
- Recognised the need for some new housing within the town and hoped that support for this application would resist further development.
- Employment provision was necessary and was a requirement for housing development to be undertaken.

- Preferences to develop on brownfield sites or derelict housing and resist the need for development on good agricultural land.

She concluded that reluctantly the Town Council support this application on the understanding the agreed conditions be adhered to.

Ms L Johnson, Ms V Noble, Mrs S Lane and Mr C Kay all spoke in objection to the application, their comments included:

- Recommended the provision of a single roundabout to service the proposed schemes be proposed at the A371 and Station Road junction as concern of road safety issue and the cumulative impact these schemes would have on road traffic safety.
- Anxious about the construction vehicles on Torbay Road.
- Requirement for provision of pedestrian/cycleway route.
- Concerns about road safety issues and the requirement for calming measures both along Station Road and Torbay Road.
- Worried about the rail crossing points
- Disappointed that SCC have constantly refused a Freedom of Information (FOI) request as to what traffic analysis has been done on the B3153 and A371 which feeds into the development.
- Application barely changed from the planning application submitted in April 2015.
- Road through the estate would be unsuitable to gain access to the industrial estate.
- Concerned no local concerns had been considered.
- No environmental impact assessment done.
- Reassurance that all conditions as set out by Castle Cary Town Council be included should permission be granted.

Mr Barry Lane then addressed the committee. He felt serious consideration should be given to employment land in order to attract new investment into the town. He also questioned who would consider buying a new house should there be no provision for employment. He also believed the existing primary school had the opportunity to expand at its current site and that this could be a feasible option.

Mr James McMurdo the agent noted to members that this application had now been supported by the Town Council and was policy compliant. He said the development was in the direction of growth for the town and that SSDC cannot currently demonstrate a five year land supply. He concluded the development abuts existing housing and employment land and there were no technical reasons to refuse the application.

Ward members Councillors Henry Hobhouse and Nick Weeks both raised concern of the application. They voiced several comments which included:

- Concern that the provision of a roundabout that had been proposed several weeks ago had not been further considered at this stage. A single access point was a necessity for the area should the three schemes be developed and believed the applicant and SCC were happy with this proposal and would not support the application unless this was established.
- Assurance is given that should SCC not require the school site it will not be used for retail purposes.
- This application and application 15/02388/OUT covers the direction of growth for the area up to 2028.
- Assurance is given that there be no ransom strips created in the development.

- Reluctantly support but strong conditions be established to safeguard the route from Station Road to existing industrial estate, allow for 25 houses to be constructed off Torbay Road access, thereafter all residential traffic including construction traffic to be via Station Road and the control of ransom strips on the site.

In conclusion both Ward members expressed their support for the application in anticipation this may defend and limit other applications in the area.

During a short debate, the Development Manager and Area Lead East confirmed to members that:

- A Section 106 planning obligation could protect land use should SCC not require the school site.
- Although the planning authority does not usually get involved in ransom strips it is understood that the applicant is willing to agree to this request.
- There is a clear indication from the applicant to safeguard a route which may result in a roundabout and advised the requirement for this to be established at this stage as a condition.

The Legal Services Manager also advised members that in her opinion the ransom strip rights be controlled with a Section 106 planning agreement and not as a condition. She did however clarify that should the developer have a change of heart when negotiating this agreement then the application may have to come back to Committee, as only in exceptional cases should there be the removal of ransom rights from a developer.

During members discussion additional points were raised including the following:

- Cautious that should members be minded to approve these applications it does not guarantee of no further development in the area.
- Appreciate other appeal decisions but should look to safeguard future development of the area and establish local influence if possible at this stage.

During a short debate, members led by the Development Manager and Area Lead East discussed and suggested additional conditions to include:

- Should SCC not require the school site, no application for retail use will be made.
- No ransom strips to be created.
- Revisions to conditions to include safeguard route along northern boundary
- Additional conditions :-
 - to safeguard route from Station Road direct to existing industrial area to allow up to 25 houses to be constructed off Torbay Rd access, thereafter all residential traffic, incl. construction traffic and occupier's access to the 25 constructed off Torbay Rd, to be solely via Station Rd.

Details to be agreed with Ward Members and Vice Chair.

Following a short discussion, it was then proposed and subsequently seconded that planning permission be approved as per the officer's recommendation and subject to the additional conditions as agreed as follows:

- Section 106 to also cover :

- In the event that SCC do not require the school site no application for A1 will be made.
- No ransom strips to be created.
- Revisions to conditions to include:
 - 16 to refer to northern boundary
 - 17 insert “unless agreed otherwise...” at beginning
- Additional conditions :-
 - 22 – to safeguard route from Station Road direct to proposed industrial area
 - 23 – to allow up to 25 houses to be constructed off Torbay Rd access, thereafter all residential traffic, incl. construction traffic and occupier’s access to the 25 constructed off Torbay Rd, to be solely via Station Rd
 - 24 – serviced access to employment land to be provided prior to occupation of 25th house.

Details to be agreed with Ward Members and Vice Chair.

On being put to the vote this was carried by 5 votes in favour, 0 against and 2 abstentions.

RESOLVED:

That application **15/02347/OUT** be approved subject to:

- (a) the prior completion of a section 106 planning agreement (in a form acceptable to the Council’s solicitor(s)) before the decision notice granting planning permission is issued to secure:-
 - (i) Contributions towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £27,500 towards provision of new youth facilities in Castle Cary/Ansford;
 - £64,605 towards enhancement of existing pitches or provision of new grass or artificial pitches in Castle Cary/Ansford;
 - £131,167 towards enhancement of existing changing rooms or provision of new changing rooms in Castle Cary/Ansford;
 - £84,643 towards enhancement of existing community hall facilities in Castle Cary/Ansford.;
 - £66,818 as a commuted sum towards the local facilities.
 - Monitoring fee based on 1% of total
 - (ii) The provision of an on-site LEAP to the satisfaction of the Assistant Director (Wellbeing) or the provision of land and contribution of £140,052 and a commuted sum of £80,896 to enable the District Council provide and subsequently maintain the LEAP.
 - (iii) At least 35% of the dwellings as affordable dwellings of a tenure and mix that is acceptable to the Corporate Strategic Housing Manager.

- (iv) an education contribution of £404,481 to the satisfaction of the Development Manager in consultation with the County Education Authority
- (v) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority
- (vi) an undertaking that in the event SCC does not require the school site no application will be made for A1 retail use.
- (vii) an undertaking that no ransom strips will be created.

and the following conditions.

- (b) That no evidence be offered in relation to the appeal against the refusal of application 15/02347/OUT subject to the completion of a S106 agreement as outlined above.

Justification:

Notwithstanding the local concerns, by reason of the range of services and facilities to be found in the locality this is considered to be a sustainable location in principle for appropriate development. The erection of 165 dwellings with 2 hectares of employment land would provide employment opportunities, make provision for enhancements to community facilities and would contribute to the supply of local housing without undue impacts in terms of landscape, residential amenity, ecology, drainage or highway safety impacts and would respect the setting of nearby heritage assets. As such the proposal accords with the policies of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

- 01. Details of the appearance, landscaping, layout and scale (herein after 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: As required by Section 92(2) of the Town and Country Planning Act 1990.

- 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 not later than 3 years from the date of this permission or not later than 2 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 development hereby permitted shall be carried out on the land identified by on drawing number 12733_L01_01.

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

04. No development hereby approved shall commence until a detailed surface water drainage scheme for the site, generally in accordance with the submitted Flood Risk Assessment by Pell Frischmann has been submitted to and approved in writing by the local planning authority. Such scheme shall include measure to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

06. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Such strategy scheme shall include appropriate arrangements for the agreed points of connection and provision for capacity improvements as required to serve the development. Once approved drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: In the interests of residential amenity and to ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

07. 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. 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: To safeguard protected species in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028.

08. The development hereby approved shall be carried out in accordance with the measures, including an ecological watching brief during construction, for minimising harm to Priority Species (Common Toad, Slow-worm) as detailed in the Ecology Mitigation and Enhancement Plan dated 27/04/14 submitted with the application.

Reason: For the protection of priority species in accordance with NPPF and the Natural Environment and Rural Communities Act 2006.

09. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

10. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
- a) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice. (Completed)
 - b) A Phase II 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. The report should include a detailed quantitative human health and environmental risk assessment.
 - c) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. 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. Any on-going monitoring should also be outlined.
 - d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
 - e) 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. 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: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan 2006 – 2028.

11. 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 in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological potential of the site in accordance with policy EQ3 of the South Somerset Local Plan 2006 – 2028.

12. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

13. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car 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 highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

14. Numbering error – no condition 14.
15. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

16. The reserved matters application(s) shall include provision for footpath, cycle-path and vehicular links to the boundary with the adjoining land to the north. Unless agreed otherwise in writing, such links shall be fully provided to the boundary prior to the occupation of any dwelling or building on the site

Reason: to ensure that future development is provided with good links to the town in accordance with policies TA1 and TA5 of the South Somerset Local Plan 2006-2028.

17. Unless agreed otherwise the accesses to the site shall be formed generally in accordance with the details shown on drawings 14139/SKC002A; 14136/SKC003A and 14139/SKC001B, the full details of which shall be submitted to and approved in writing by the local planning authority prior to their commencement.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

18. No works shall commence on the development hereby permitted until details of the off-site highway works shown on the submitted drawings have been submitted to and approved in writing by the Local Planning Authority. Such works shall then be fully constructed in accordance with the approved plan to an agreed specification before the development is first brought into use.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

19. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of both accesses and extending to points on the nearside carriageway 43m either side of the accesses. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

20. The commercial buildings hereby approved shall only be used for uses falling within B1 or B8 of the Use Classes Order.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

21. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, the details of the phasing of the development hereby approved. Such phasing shall take into account any other development within the Direction of Growth for which planning permission has been granted or for which there is a resolution to approve.

Reason: In the interest of securing the proposal phased and planned growth of Castle Cary in accordance with policy LMT1 and the policies contained within the National planning Policy Framework.

And the following additional conditions (detailed wording to be agreed with Ward members and Vice Chair)

22. The reserved matters application to include a safeguarded route from Station Road direct to the proposed employment area.
23. No more than 25 houses to be constructed off the Torbay Rd access, thereafter all residential traffic, including construction and occupier's access to be solely via Station Road.
24. Serviced access to employment land to be provided prior to occupation of 25th house.

Informatives

1. You are reminded that development, insofar as it affects a right of way should not be started and the right of way should be kept open for public use until the necessary diversion/stopping up order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
2. You are reminded that the submitted layout is indicative only and that objections have been raised to it from the Council's economic development officer and climate change officer. The layout of the reserved matters application should be informed by their comments. You are urged to discuss these concerns with the local planning authority at an early stage.
3. You are reminded that there should be 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.
4. You are reminded that parking provision should be in line with the Somerset County Council Parking Strategy.
5. It is suggested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
6. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.

(voting: 5 in favour, 0 against, 2 abstentions)

102. 15/02388/OUT - Land At Station Road, Castle Cary (Agenda Item 21)

The Area Lead East presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site, proposed plans, photos of the vicinity and a plan showing the relationship with the other proposed schemes in the area.

He proceeded to provide members with several updates including:

- Clarified position of support from Castle Cary Town Council whereby the same conditions were specified as in the previous application 14/15/02347/OUT with the exception of the no through route as does not apply in this case. Comments also included that the access link onto Station Road be completed before work begins onsite and a detailed landscaping plan provided.
- The Area Development Team echoed comments from the previous application 14/15/02347/OUT to include lack of overall plan, risk of sites coming forward in isolation and the overall cumulative effect for the area.

- Applicant confirmed and content with the SCC education increase in the cost education per place to £14,007.00.
- SCC as flood authority raised no objection to drainage subject to detail.

The Area East Lead also referred to the key considerations which included:

- Principle of development
- Cumulative impact
- Local landscape and visual amenity impact
- Residential amenity
- Highway issues
- Planning Obligations

The Area Lead East accepted that this application would put the housing figure marginally over the accepted level but as this is specified as a minimum number it was considered acceptable. His recommendation was therefore to approve the application for reasons as detailed in the agenda report.

Mrs Liz Stokes Chair of Castle Cary Town Council addressed the committee. She confirmed positive negotiations had taken place with the applicant and therefore in this instance the Town Council would look to support this application as only way to defend other applications and agree the best outcome for the local community.

Mrs Pek Peppin Chair of planning on Castle Cary Town Council addressed the committee. She believed the Neighbourhood Plan was a legitimate way to planning and safeguarding development for the area and hoped that the two developers would work together to ensure a single access route onto Station Road and maintain road safety for local people.

Ms L Johnson, Ms V Noble, and Mr C Kay all spoke in objection to the application, their comments included:

- Inadequate traffic assessments.
- Reluctantly support the application but with strict conditions as specified by the Town Council.
- Disappointed in the lack information and support from the Highway Authority.
- Considered the proposed roundabout as indicated by the Neighbourhood design statement as simply the best means to serve the developments in the area.

Mr Barry Lane also addressed the committee. He believed the site ought to have required a Masterplan to negate any issues from the scheme and make certain the precise location of the roundabout on Station Road. He felt consideration should be given to include B1 employment provision on site and hoped the developer will work with the local people to establish an acceptable scheme.

Mr Kevin Bird the applicant then addressed the committee. He thanked all parties that the outcome of negotiations allowed a recommendation for approval. He believed this development would not have a cumulative impact on the local area and confirmed that there had been discussions with the other developer Donne Holdings and SCC regarding a single access point on to Station Road.

Councillor Henry Hobhouse, Ward member reiterated his comments from the previous application 15/02347/OUT and requested that the same strict conditions be applied

should the application be approved. He understood a highway assessment had been undertaken and that this application along with the previously approved schemes would be approaching capacity for the area. He understood the applicant would not seek ransom strip rights within the development and that the developer will work closely with the local community.

Councillor Nick Weeks, Ward member also reiterated his comments from that of planning application 15/02347/OUT and that a proposal to Highways should be made to ensure that the proposed roundabout on to Station Road is the only acceptable way forward.

During members' discussion, several points were raised including the following:

- Appreciated the developer was happy to negotiate and work with local people to ensure an agreed scheme to benefit the whole community.
- Established that the proposed single access in the form of a roundabout at Station Road is fully supported by the Area East committee members.

During a short debate, members led by the Development Manager and Area Lead East discussed and suggested conditions to include:

- No ransom strips to be created.
- To safeguard ability to create suitable access arrangements for adjoining safeguarded route.

Details to be agreed with Ward Members and Vice Chair.

Following a short discussion, it was then proposed and subsequently seconded that planning permission be approved as per the officer's recommendation and subject to the additional conditions as agreed as follows:

- Section 106 to also cover :
 - No ransom strips to be created.
 - Layout should not prejudice delivery of safe access for safeguarded route on adjoining site and should make provision for necessary visibility splays onto Station Road.

Details to be agreed with Ward Members and Vice Chair.

On being put to the vote this was carried unanimously.

RESOLVED:

That application **15/02388/OUT** be approved subject to:

- (c) the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-
 - (i) Contributions towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £12,500 towards provision of new youth facilities in Castle

- Cary/Ansford;
 - £29,366 towards enhancement of existing pitches or provision of new grass or artificial pitches in Castle Cary/Ansford;
 - £59,622 towards enhancement of existing changing rooms or provision of new changing rooms in Castle Cary/Ansford;
 - £38,474 towards enhancement of existing community hall facilities in Castle Cary/Ansford.;
 - £30,372 as a commuted sum towards the local facilities.
 - Monitoring fee based on 1% of total
- (ii) The provision of an on-site LEAP to the satisfaction of the Assistant Director (Wellbeing).
- (iii) At least 35% of the dwellings as affordable dwellings of a tenure and mix that is acceptable to the Corporate Strategic Housing Manager.
- (iv) an education contribution of £183,855 to the satisfaction of the Development Manager in consultation with the County Education Authority
- (v) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority
- (vi) an undertaking that no ransom strips will be created.

and the following conditions.

- (d) That no evidence be offered in relation to the appeal against the non-determination of application 15/02388/OUT, subject to the completion of a S106 agreement as outlined above.

Justification:

Notwithstanding the local concerns, by reason of the range of services and facilities to be found in the locality this is considered to be a sustainable location in principle for appropriate development. The erection of up to 75 dwellings would make provision for enhancements to community facilities and would contribute to the supply of local housing without undue impacts in terms of landscape, residential amenity, ecology, drainage or highway safety impacts and would respect the setting of nearby heritage assets. As such the proposal accords with the policies of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

01. Details of the appearance, landscaping, layout and scale (herein after 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: As required by Section 92(2) of the Town and Country Planning Act 1990.

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 not later than 3 years from the date of this permission or not later than 2 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 development hereby permitted shall be carried out on the land identified on the location plan submitted with the application received 11/05/15.

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

04. No development hereby approved shall be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such scheme shall include measure to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

06. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Such strategy scheme shall include appropriate arrangements for the agreed points of connection and provision for capacity improvements as required to serve the development. Once approved drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: In the interests of residential amenity and to ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

07. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, shall be submitted to and approved in writing by the Local Planning

Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

08. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

09. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car 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 highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

10. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

11. The reserved matters application(s) shall include provision for footpath, cycle-path and vehicular links to the boundary with the adjoining land to the south. Unless agreed otherwise in writing, such links shall be fully provided to the boundary prior to the occupation of any dwelling or building on the site

Reason: to ensure that future development is provided with good links to the town in accordance with policies TA1 and TA5 of the South Somerset Local Plan 2006-2028.

12. The access to the site shall be formed generally in accordance with the details shown on drawing 01, the full details of which shall be submitted to and approved in writing by the local planning authority prior to its commencement.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

13. No works shall commence on the development hereby permitted until details of the off-site highway works shown on the submitted drawings have been submitted to and approved in writing by the Local Planning Authority. Such works shall then be fully constructed in accordance with the approved plan to an agreed specification before the development is first brought into use.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

14. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of both accesses and extending to points on the nearside carriageway 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

15. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, the details of the phasing of the development hereby approved. Such phasing shall take into account any other development within the Direction of Growth for which planning permission has been granted or for which there is a resolution to approve.

Reason: In the interest of securing the proposal phased and planned growth of Castle Cary in accordance with policy LMT1 and the policies contained within the National planning Policy Framework.

And the following condition (detailed wording to be agreed with Ward Members and Vice Chair).

16. Layout should safeguard ability to create suitable access arrangements for safeguarded route.

Informatives

7. You are reminded that development, insofar as it affects a right of way should not be started and the right of way should be kept open for public use until the necessary diversion/stopping up order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
8. You are reminded that there should be 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.

9. You are reminded that parking provision should be in line with the Somerset County Council Parking Strategy.
10. It is suggested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
11. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.

(Voting: unanimous)

103. 15/02415/OUT - Land OS 4700 Station Road, Ansford (Agenda Item 22)

The Area Lead East presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site, proposed plans and photos of the vicinity.

He informed members of various updates including:

- That Area Development comments reiterated concerns raised as per the two previous applications such as cumulative impact and also the possibility that these outline sites may come forward first resulting in isolated development.
- Applicant confirmed and content with the SCC education increase in the cost education per place to £14,007.00.
- SCC as flood authority raised no objection to drainage subject to detail.

The Area East Lead also referred to the key considerations which included:

- Principle of development
- Cumulative impact
- Local landscape and visual amenity impact
- Residential amenity
- Highway issues
- Planning Obligations

The Area Lead East concluded the proposal to have a lack of joined up planning with no way of safeguarding the possibility of leaving an isolated scheme. He also raised concern regarding the remote point of access from the town and the lack of links to local community facilities and therefore questioned the sustainability of the scheme. His recommendation was therefore to refuse the application as for the reasons as set out in the agenda report.

Mr Alan Gibbons from Ansford Parish Council addressed the committee. He confirmed that the Parish Council did not support the application as considered this application was a 'step too far' and located in an isolated area with no links to the town centre and its facilities.

Mr K Knight, Mr C Kay, Mr W Vaughan and Ms V Noble all spoke in objection to the application, their comments included:

- Loss of greenfield/agricultural land.
- Previously approved schemes should be developed first.
- Cumulative impact of well over 450 houses which would be considerably above the housing requirement for this area.
- Isolated site located well away from the town centre and its facilities.
- Felt consideration should be given to the impending Neighbourhood Plan indicating this area to be a Greenfield site.
- Would require yet another access onto Station Road impacting once more on the traffic within the area.

Mr Kevin Bird the applicant then addressed the committee. He reminded members that this application was currently at appeal for non-determination and countered the reasons for refusal of this application. He felt this application was no different from that of the previous application 15/02388/OUT that members had just approved. He believed the scheme to be in no way detrimental to the area, was in the direction of growth and located opposite land already approved for development. He confirmed that SSDC had accepted they did not have a five year land supply and that the housing figures for the area were merely an indication of the minimum requirement. He confirmed a travel plan had been agreed with SCC, only three letters of objection had been received and believed this to be of little difference from that of the previous application.

Councillor Henry Hobhouse, Ward member raised concern regarding the isolated location of the site with lack of footpath links to the town centre. He also felt the addition of yet another access point onto Station Road would be an added reason for refusal, due to the huge impact yet again on road safety within the area. He would therefore not support this application.

Councillor Nick Weeks, Ward member also raised his concern believing this application to be 'one step too far' at this stage owing to the impending development within the area and would therefore not support the application.

During members' discussion, several points were raised including the following:

- Cautious that the proposed housing figures were merely an indication of the minimum requirement for the area.
- Considered the scheme to be situated in an isolated area located at a distance from the town centre and its facilities.

During a short debate, members led by the Development Manager and Area Lead East discussed and suggested the reasons for refusal and the reasons to make a resolution to the appeal against no-determination of the previous application on this site.

Following a short discussion, it was then proposed and subsequently seconded that planning permission be refused as per the officer's recommendation for the reasons as set out in the agenda report. One being put to the vote this was carried by 3 votes in favour, 0 against and 2 abstentions.

RESOLVED:

(a) That planning permission be refused for the following reasons:

- 1) This proposal for up to 75 dwellings is at the northern end of the Direction of Growth that does not directly abut the existing edge of development and is within the gap between Castle Cary and Ansford. No indicative layout is provided and there is no mechanism that could reasonably secure a phased development with other schemes currently proposed within the Direction of Growth. Accordingly the proposed development, which might be achieved in isolation, would appear as an alien and intrusive urban form development in an otherwise rural setting to the detriment to the landscape character of the area and the amenities of the locality. Furthermore it has not been demonstrated that green infrastructure, in the form of the gap between Ansford and Castle Cary, would be maintained and enhanced. As such the proposal is contrary to policies EQ2 and EQ5 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework
- 2) In the absence of a mechanism to ensure the phased development of this site with other sites to within the Direction of Growth that could link the proposed development to the town, future residents of these dwellings the proposed development would not be within reasonable walking distance of primary schools, employment opportunities and the services and facilities available in the town centre. As such future residents would have no realistic alternative to the private motor car to access services and facilities necessary for daily life.

No travel plan has been provided to 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 National Planning Policy Framework, which is not outweighed by any benefits arising from the development. Accordingly the proposal is contrary to the policies SD1, TP4 and EQ2 of the South Somerset Local Plan 2006- 2028 and the policies contained within the National Planning Policy Framework.

(b) That the same putative reason for refusal be defended in relation to the appeal against the non-determination of 15/00519/OUT

(voting: 3 in favour, 0 against, 2 abstentions)

104. 15/04066/OUT - Wayside Farm, Station Road, Ansford (Agenda Item 23)

The Area Lead East presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site, proposed plans and photos of the vicinity.

He informed members of various updates including:

- That Area Development comments reiterated concerns raised as per the previous applications such as lack of comprehensive planning and the possibility that these outline sites may come forward first resulting in isolated development.
- SCC as Education Authority confirmed that 25 places would be required with the cost education per place of £14,007.00 equalling a total of £350,171.00.
- Applicant content and in agreement of the requested housing and leisure contributions.

- Castle Cary Town Council raised concerns which included; road safety issues, additional access point onto Station Road, in excess of the local plan housing requirement for the area and the lack of employment opportunity within the scheme.
- SCC as flood authority raised no objection to drainage subject to detail.
- Confirmed no objection raised from SCC Highways Authority subject to detail of Travel Plan.

The Area East Lead also referred to the key considerations which included:

- Principle of development
- Cumulative impact
- Local landscape and visual amenity impact
- Residential amenity
- Highway issues
- Planning Obligations

The Area Lead East concluded this proposal, although in the direction of growth, would be situated outside the area for development as indicated in the draft Neighbourhood Plan although reiterated limited weight should be given to this at this time. He understood that should this development be approved it would take the housing requirement along with the other already approved developments to be over 60% of the requirement for the area and believed such excessive growth would be at odds with the town's status in the District's hierarchy. His recommendation was therefore to refuse the application as for the reasons as set out in the agenda report.

Mr Alan Gibbons representative from Ansford Parish Council addressed the committee. He considered this application was a 'step too far' and raised concern regarding the sloping levels of the site. He concluded the scheme did not follow the requirements of the South Somerset Local Plan, raised concern regarding the traffic safety along Station Road and confirmed that for these reasons the Parish Council could not support the application.

Mrs Penny Steiner representative from Castle Cary Parish Council addressed the committee. She confirmed the Parish Council unanimously opposed this application believing the local road network to already be under severe pressure especially as two additional developments had been approved. She said the application exceeded the housing requirement for the area as indicated by the Local Plan and no employment opportunity had been identified.

Mr B Lane and Mr K Knight then spoke in objection to the application, their comments included:

- No employment opportunity specified within the development.
- Felt consideration should be given to the impending Neighbourhood Plan which had been prepared by hugely knowledgeable local people.
- Local people's views should be taken into account.
- Loss of greenfield/agricultural land.

Councillor Nick Weeks, Ward member questioned the accountability of the bringing forward of employment land within this application and although indicated other land may be available within the local area enquired into the responsibility of such matter.

Councillor Henry Hobhouse, Ward member believed this application was again 'a step too far' and reiterated concerns over the lack of employment land within the proposal and therefore agreed with the officers recommendations for refusal as set out in the agenda report.

In response the Principal Spatial Planner agreed with members that there was currently a lack of ability in bringing forward employment land within these proposed developments. He confirmed that work was being undertaken to look into this matter not only in this area but across the district and that this could be a consideration for members when determining this application.

He also advised members that although there was no denying the amount of effort made in producing the Neighbourhood Plan, for the purpose of the consideration of this application members should be reminded it carried limited weight at this time due to the comprehensive process of implementation yet to be completed. As a point of clarity he also advised the committee and members of the public that the five year housing supply requirement referred to is based on the district wide figure.

During a short discussion, members believed the National Planning Policy Framework (NPPF) guidance should support and help achieve sustainable development and prevent isolated developments. Members believed this application failed to achieve such sustainable development for economic, social and environmental reasons and therefore it was proposed and subsequently seconded that planning permission be refused as per the officer's recommendation for the reasons as set out in the agenda report. On being put to the vote this was carried unanimously.

RESOLVED:

(c) That planning permission be refused for the following reasons:

- 3) This proposal for up to 125 dwellings is at the northern end of the Direction of Growth that does not directly abut the existing edge of development. No mechanism is proposed that could reasonably secure a phased development with other schemes currently proposed within the Direction of Growth. Accordingly the proposed development, which might be delivered in isolation, would appear as an alien and intrusive urban form development in an otherwise rural setting to the detriment landscape character of the area and the amenities of the locality. As such the proposal is contrary to policy EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.
- 4) In the absence of a mechanism to ensure the phased development of this site with other sites to the south that would link the proposed development to the town, future residents of these dwellings the proposed development would not be within reasonable walking distance of primary schools, employment opportunities and the services and facilities available in the town centre. As such 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 National Planning Policy Framework, which is

not outweighed by any benefits arising from the development. Accordingly the proposal is contrary to the policies SD1, TP4 and EQ2 of the South Somerset Local Plan 2006- 2028 and the policies contained within the National Planning Policy Framework.

- 5) The proposal, to be acceptable would require reasons 1 and 2 to be addressed, however if that were to be achieved the level of growth in Castle Cary/Ansford, a lower tier 'local market town', would be in the region of 523-598 dwellings, some 40-60% in excess of the minimum set out in policy SS5. Such excessive growth would be at odds with the town's status in the District's hierarchy of settlements as set out by policy SS1 and would prejudice the planned, sustainable delivery of growth across the district. As such the proposal is contrary to policies SD1, SS1 and SS5 of the South Somerset Local Plan 2006- 2028 and the policies contained within the National Planning Policy Framework.
- (d) That the same putative reasons for refusal be defended in relation to the appeal against the non-determination of 14/05623/OUT

(voting: unanimous)

.....
Chairman