

## South Somerset District Council

**Minutes** of a meeting of the **Area South Committee** held at the **Council Chamber Council Offices Brympton Way on Wednesday 2 March 2016.**

(2.00 - 5.05 pm)

**Present:**

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

Cathy Bakewell	Graham Oakes(from 2.30pm)
John Clark	Wes Read
Gye Dibben	David Recardo
John Field	Gina Seaton
Nigel Gage	Peter Seib
Andy Kendall	Alan Smith
Mike Lock (from 2.30pm)	Rob Stickland
Tony Lock	

**Officers:**

Jo Boucher	Democratic Services Officer
Simon Fox	Area South Lead Officer
Marie Ainsworth	Neighbourhood Development Officer (South)
Andrew Collins	Planning Officer
Natalie Ross	Neighbourhood Development Officer
Steve Joel	Assistant Director (Health & Well-Being)

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

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### **118. Minutes of previous meeting (Agenda Item 1)**

The minutes of the Area South Committee held on 3<sup>rd</sup> February 2016 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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### **119. Apologies for absence (Agenda Item 2)**

Apologies for absence were received from Councillors Kaysar Hussain, Sarah Lindsay and Sam McAllister.

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### **120. Declarations of Interest (Agenda Item 3)**

Councillor Gina Seaton declared that although she had endorsed the Parish Council decision to support application Planning Application 15/05598/FUL Agenda Item 12 she would engage in the debate with an open mind.

Councillor Peter Gubbins declared a personal and prejudicial interest in Agenda Item 13 Planning Application 15/05325/OUT as his son lives in close proximity of the proposed site. He would leave the meeting during consideration of that item.

Councillor John Field declared a personal and prejudicial interest in Agenda Item 13 Planning Application 15/05325/OUT as he owns a property within close proximity of the proposed site. He would leave the meeting during consideration of that item.

Councillor Nigel Gage declared a personal interest in Agenda Item 13 Planning Application as he has a relative who lives very close to the proposed development.

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#### **121. Public question time (Agenda Item 4)**

There were no questions from members of the public.

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#### **122. Chairman's announcements (Agenda Item 5)**

The Chairman informed members that a report on the Workspace Hub would be brought to the April committee.

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#### **123. Reports from representatives on outside organisations (Agenda Item 6)**

Councillor David Recardo informed members that:

- Yeovil Country Park should be congratulated as they had been awarded 5 gold star rating.
- The Care Quality Commission (CQC) were holding a public feedback session in the Yeovil Library on Friday 4<sup>th</sup> March 2016 between 11-00am – 1.00pm for members of the public to offer feedback on Yeovil District Hospital as part of the hospital audit.
- Yeovil Hospital Charity has reached the finals of the National Lottery's People's Projects and that public support was needed. An email would be circulated to members with more details as soon as possible.

Councillor John Clark informed members that the launch of the Westfield Regeneration Project Forward Plan would take place on Friday 11<sup>th</sup> March 2016 at 10.00am.

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#### **124. Westlands Leisure Complex - Progress Report (Agenda Item 7)**

Mr Pugsley a member of the public addressed the committee and asked about the future management of the Westland Allotments.

In response the Assistant Director (Health & Well-Being) acknowledged the concern of the Allotment Society and as detailed in previous communication with Mr Pugsley

explained that negotiations were ongoing with Yeovil Town Council and further details will be provided as soon as possible.

The Assistant Director (Health & Well-Being) then proceeded to present the agenda report and highlighted to members that:

- Terms of Reference had now been agreed with Agusta Westland (AW) and the lease agreement was expected to be signed with AW and SSDC at the beginning of April.
- Parish and Town Council Financial Support sought with follow up meetings being organised to discuss further details of the project.
- Mobilised Friends of Westland Leisure Complex (WLC) with ideas to engage businesses and individual giving for further funding opportunities.
- Rebranding of the venue with a 'name change' competition in conjunction with local media.
- Tenders have now been received for Stage 1 of the proposed works. A Planning Application is expected to be submitted in April for new foyers to the main complex and sports hall, demolition of outbuildings, modifying of car park and lighting.
- Grant funding almost secured from Sport England and Badminton England to refurbish facilities at the site.
- Completed fitness market appraisal with proposal to include new fitness suite within the main sports hall.
- Positive discussions were taking place with the England County Cricket Board and Somerset Cricket Club to refurbish the cricket pavilion.

During discussion, it was noted that:-

- It was disappointing that not all Local Parish Council's had agreed to contribute to the project.
- Members requested that three monthly update reports be brought to Area South Committee. The next update report would be brought to the June Committee.
- A press release should be issued when the lease agreement is signed which would provide an update to local clubs and societies and give an indication of the proposed design and when the facilities were likely to re-open.
- If energy saving measures were introduced at the site during the refurbishment there would considerable savings in energy.

Members congratulated the Assistant Director (Health & Well-Being) and his team on the excellent work already carried out and were pleased to note the progress report.

**RESOLVED:** That members noted the new project governance arrangements and progress made in delivering the Westlands Leisure Complex Project and that three monthly regular update reports are brought to Area South Committee.

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## 125. Report on the replacement and re design of the 'Welcome to Yeovil' gateway signs (Agenda Item 8)

Angus Mcphee, representative from West Coker Parish Council addressed the committee and asked that members reconsider the re-location of the gateway sign at

West Coker Road. He explained they are very keen to re-locate the sign on or close to its historical parish boundary and confirmed the Parish Council would pay for the re-location.

The Neighbourhood Development Officer presented the agenda report and with the aid of a power point presentation sought members views on the approval of either option 1 or option 2 as outlined in the agenda report to replace six gateway signs at key vehicular entrance points to Yeovil.

She also explained that at the Area South Committee in September members resolved that the sign along West Coker Road was considered to be located in an appropriate position and remain in the same place. Subsequently West Coker Parish Council has approached SSDC and has offered to pay for the sign's relocation. She confirmed that there were no legal or practical reasons why the sign could not be moved and therefore asked that members re-consider the relocation of the sign based on the new information and importance of this matter to West Coker Parish Council.

She proceeded to show members both options of the newly designed signs and explained that following consultation with County Highways the 'Love Yeovil' style font was unlikely to comply with the highway regulations and therefore would require slight alteration before final sign off. Should members be minded to approve either signs she proposed to delegate the final sign off to the Area Chairman and Area Development Manager.

Following a short debate, members concluded that neither signs were of an acceptable design and that further work should be undertaken to improve the overall impact and appeal of the signs. Members therefore suggested that the Neighbourhood Development Officer consider the comments made and seek member's views before bringing an improved design back to Area South Committee as soon as possible.

Members also considered the re-location of the West Coker Road sign and although many considered it already to be located in an appropriate position others appreciated the request of the West Coker Parish Council and were content for the sign to be re-located.

It was then proposed and subsequently seconded that recommendation 1 be amended to read 'that members agree to the Neighbourhood Development Officer to seek member's views and comments before bringing an improved design of the 'Welcome to Yeovil' gateway signs back to Area South Committee as soon as possible for member approval'. Members were content to agree recommendation 2 as detailed in the agenda report. On being put to the vote this was carried by 8 votes in favour and 6 against.

#### **RESOLVED:**

1. That members agree to the Neighbourhood Development Officer to seek member's views and comments before bringing an improved design of the 'Welcome to Yeovil' gateway signs back to Area South Committee as soon as possible for member approval'.
2. That member's agreed to the relocation of the West Coker sign based on new information received from, and the importance of this matter to, West Coker Parish Council.

(voting: 8 in favour, 6 against, 0 abstentions)

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**126. Inspired to Achieve Grant Application (Executive Decision) (Agenda Item 9)**

The Community Development Officer presented the report as detailed in the agenda and there being no further discussion it was proposed and subsequently seconded that an award of up to £3,500 be awarded towards the cost of running the Incredible Tuesdays Group.

**RESOLVED:** That members agreed an award of up to £3,500 from the Community Grants budget.

Reason: To consider funding towards the cost of running the Incredible Tuesdays Group.

*(voting: unanimous )*

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**127. Forward Plan (Agenda Item 10)**

The Assistant Director, Communities updated members that the Workspace Hub report would be brought to the April committee and advised that the cycling projects briefing would take place after the April committee.

She also noted member request that three monthly update reports be brought to Area South Committee regarding the Westland Leisure Complex. Therefore the next update report would be brought to the June Committee.

Councillor Andy Kendall requested a short update on the current position regarding the CCTV installation at the Hospital underpass.

**RESOLVED:** (1) that the Area South Forward Plan and the comments of Members be noted.

(2) that the reports identified by Members be added to the Area South Forward Plan.

*(Voting: Without dissent)*

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**128. Schedule of Planning Applications to be Determined by Committee (Agenda Item 11)**

Members noted the Schedule of Planning Applications.

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**129. Planning Application 15/05598/FUL - Moor End Nursery Moor Lane Hardington Mandeville (Agenda Item 12)**

The Area South Lead Officer presented the application as detailed in the agenda and with the aid of a powerpoint showed the site and proposed plans. He explained to members that this was a revised application following the previous application of 15 dwellings currently at appeal. He also updated members that:

- An amendment be made to the actual composition of dwellings as set out on page 29 of the agenda report. This should be made up of 7 x 4 bed houses, 1 x 3 bed house, 1 x 2 bed house and 1 x 2 bed bungalow.
- Letter received from Hardington Mandeville Parish Council requesting the addition of extra drainage on site to aid surface water drainage of the site.
- Highways comments had been received relating to the internal road layout of site.
- Local Flood Authority had yet to respond, however the proposed drainage scheme is exactly the same as that which formed part of the last refused application and no objections had been raised.
- Revision of condition 2 to omit the 5 bed units.

The Area South Lead Officer referred to the key considerations which included:

- Principle – Policy SS2 vs lack of 5 year land supply. Material considerations and the Planning Balance.
- Impact upon visual and residential amenity, ecology, heritage, highways and drainage.
- Planning Gain

In conclusion the Area South Lead Officer considered that all other outstanding issues could be controlled by planning condition or planning obligation and therefore his proposal was to approve the application subject to the conditions as set out in the agenda report with the amendment to condition 2.

Mr Ernest Kong, Hardington Mandeville Parish Council Representative then addressed the committee. He confirmed the Parish Council were in support of the application as the number of dwellings was more suitable for the size of the site and the type of housing proposed met the identified needs of the village. He voiced concern regarding the priority road markings and that priority should not be given to the estate traffic.

Mr Richard Leach a local resident requested that condition be imposed regarding the road surface materials to be used and also requested that priority should not be given to the estate traffic. He also believed there would be considerable impact on the traffic at the construction phase and that the timing of the consultation period with local residents was not ideal as carried out over the Christmas holiday period.

Mr Keith Dack a local resident appreciated that the developer had listened to local residents but still raised concern regarding traffic safety within Moor lane as this was a single track road where increase in traffic could be a danger to pedestrians. He asked that construction traffic be diverted through the neighbouring farmland.

Dan Trundle, the Agent also addressed the committee. He explained they had worked closely with officers and guided by the local residents had produced a scheme that was acceptable within the scale and character of the surroundings. It included the required housing need incorporating two bungalows and a further two dwellings with the option of the governments 'Right to Buy' scheme. They would look to investigate further the Parish Council request for extra drainage and that financial contribution had been secured toward local facilities.

Councillor Cathy Bakewell, Ward member also expressed her wish that priority should not be given to the estate traffic. She was disappointed that there were no proposed affordable rentable properties but appreciated the option of the 'Right to Buy' scheme. She felt the site was currently an eyesore and supported the redevelopment of the site in this format.

Councillor Gina Seaton, Ward member supported the redevelopment of the site and was pleased with the new proposal of ten dwellings. She believed the passing place had been removed to protect the lane and was pleased that off-site play contributions had been made.

In response to comments made, the Area South Lead Officer explained that SSDC consultation on the planning application had exceeded that normally required. He appreciated the comments made regarding the priority road markings and confirmed the application did not include the widening of the lane or the inclusion of a passing place. He also clarified that the Government scheme being offered was 'Help to Buy' not 'Right to Buy' and Help to Buy is not defined as affordable housing.

During a short debate members expressed their support for the new revised scheme and considered the proposal acceptable for the location, and the type of housing proposed met the identified needs of the village.

It was then proposed and subsequently seconded that planning permission be granted as per the officers recommendation as set out in the agenda report and with the amendment to Condition 2. On being put to the vote this was carried unanimously.

**RESOLVED:**

That application **15/05598/FUL** be granted for the following reason, subject to:

- (a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following:
  - (i) Community, Heath Service and Leisure contributions towards outdoor playing space, sport and recreation facilities (as detailed in the consultations section of this report)
- (b) the imposition of the planning conditions set out below on the grant of planning permission.

The Council cannot currently demonstrate a five year housing land supply and there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework when taken as a whole.

The proposal seeks to provide housing in a rural settlement, in a manner that is commensurate to the scale and character of the area and would increase the sustainability of the settlement generally.

The proposal maintains landscape character, safeguards the setting of adjacent listed buildings, includes ecological mitigation, achieves a safe means of highway access and solves existing drainage issues, in accordance with the aims of objectives of the National Planning Policy Framework, policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan

(adopted April 2006) and with reference to the Somerset County Council Parking Strategy (March 2012), the Hardington Mandeville - Parish Plan (2008-2012) and the Hardington Mandeville Village Design Statement (1999).

**SUBJECT TO THE FOLLOWING CONDITIONS:**

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:

- a) Location Plan, Drawing No. 1563-A-P-X-01
- b) Proposed Site Layout, Drawing No. 1563-A-P-X-02 RevJ
- c) Plot 1 - Drawing No. 1563-A-PE-X-13 RevB
- d) Plot 2 - Drawing No. 1563-A-PE-X-08 RevC
- e) Plot 3 - Drawing No. 1563-A-PE-X-09 RevD
- f) Plots 4 and 5 - Drawing No.1563-A-PE-X-06 RevC
- g) Plots 6, 8 and 9 - Drawing No. 1563-A-PE-X-14 RevB
- h) Plot 7 - Drawing No. 1563-A-PE-X-15 RevA
- i) Plot 10 - Drawing No. 1563-A-PE-X-10 RevD
- j) Typical Garages - Drawing No. 1563-A-PE-X-11 RevD
- k) Materials Plan, Drawing No. C-3-101
- l) Boundaries Plan, Drawing No.102
- m) Details Location, Drawing No.103
- n) Typical Stone Wall Detail, Drawing No. C\_3\_400 RevA
- o) Permeable Block Paving Detail, drawing No. C\_3\_402
- p) Entrance Path Detail, Drawing No. C\_3\_404 RevA
- q) Close-Board Fence Detail, Drawing No. C\_3\_405
- r) Rendered Wall Detail, Drawing No. C-3\_406

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

03. Save for demolition, no works shall be carried out unless the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) specific materials to be used for the external walls and roofs:
- b) materials to be used for rainwater goods and window dressings (lintels, cills);
- c) the design (including joinery details where appropriate), type of material, plus proposed colour and finish of all windows and doors plus recesses:
- d) details of eaves/verges;
- e) location and design details of all vents, flues and meter boxes; and
- g) the specific surfacing materials of all areas of hardstanding, incl. driveways.

Once agreed the scheme shall be carried out in accordance with those details unless further agreement is reached with the Local Planning Authority.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Save for demolition, no work shall be carried out on site unless full details of the new natural stonework walls, including the materials, coursing, bonding, mortar



profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this can be supported with detailed photographs. Prior to the commencement of any walling within the works hereby approved sample panels shall be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panels shall remain available for inspection throughout the duration of the work.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

05. Save for demolition, no works shall be carried out until details of the internal ground floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

06. Save for demolition, no works shall be carried out until a scheme for the foul and land/surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To afford the site proper drainage with the National Planning Policy Framework.

07. Save for demolition, no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
  - i. all previous uses
  - ii. potential contaminants associated with those uses
  - iii. a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

08. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

09. The development (particularly including any site clearance) shall not commence until a 'Biodiversity Mitigation and Enhancement Plan' has been submitted to, and approved in writing by the local planning authority. The plan shall include details of provisions for further wildlife surveys, and avoidance, mitigation and compensation measures for badgers, reptiles, bats, dormice and nesting birds, measures for ecological supervision of sensitive stages of development, and measures for the enhancement of biodiversity. The Biodiversity Mitigation and Enhancement Plan shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the protection and conservation of protected and 'priority species' in accordance policy EQ4 of the South Somerset Local Plan (2006-2028), NPPF, and to ensure compliance with the Wildlife and Countryside Act 1981 and the Habitats Regulations 2010, and for the enhancement of biodiversity in accordance with NPPF.

10. Prior to the first occupation of either Units 9 or 10 an acoustic barrier shall be installed along the northern boundary. The exact location, specification, and finished height of the barrier shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain residential amenity from potential odour and noise from the adjoining farm complex to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

11. Save for demolition, no works shall be carried out until a scheme has been submitted detailing the following tree protection and planting details:
- a) a comprehensive tree and hedge planting scheme
  - b) a layout plan of the below-ground drainage & services to be installed;
  - c) a Tree Survey, Tree Protection Plan and Arboricultural Method Statement relating to all retained trees and hedges on or adjoining the site, so as to

conform to British Standard 5837: 2005 - Trees in relation to construction; which shall include:

- i. a layout and specification of tree and hedge protection fencing
- ii. special protection and engineering measures for required access, installation of built structures, below-ground services, drainage and hard-surfacing within the Root Protection Areas of retained trees
- iii. a schedule of compliance-monitoring for the duration of the construction phases of the development (inclusive of landscaping & dismantling of tree protection fencing)

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of twenty years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Upon approval by the Local Planning Authority, the tree protection scheme shall be implemented in its entirety for both the duration of the construction of the development.

Reason: To integrate the development into its environs, build on local character and preserve the health, structure and amenity value of retained trees to comply with the National Planning Policy Framework.

12. There shall be no public street lighting installed, unless the Local Planning Authority agrees to any variation.

Reason: To protect bat foraging routes and to maintain the rural distinctiveness of Hardington Moor in accordance with policies SS2, EQ2 and EQ4 of the South Somerset Local Plan (2006-2028).

13. Construction works (including the operation of any machinery) and the delivery or dispatching of any construction materials, shall not take place outside 0830 hours to 1800 hours Mondays to Fridays, and 0830 hours to 1300 hours on Saturdays but not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

14. No part of the development hereby permitted shall be occupied until the access arrangements/carriageway realignment have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

15. The areas allocated for parking and turning on the submitted plan, Drawing No. 1563-A-P-X-02 RevH, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-

enacting that Order) the garages hereby approved shall not be used other than for the domestic and private needs of the occupier and shall not be converted to habitable accommodation with the prior grant of planning permission.

Reason: In the interests of highway safety and to maintain on-site parking levels and turning provision to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

16. Prior to the commencement of development, including demolition, a Construction Traffic Management Plan providing details on the delivery of the materials and equipment to the site; compound parking area; 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 and residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

**Informatives:**

01. In respect of Condition 09, the Biodiversity Mitigation and Enhancement Plan should include detailed proposals that are likely to be based upon the outline recommendations given in the 'Conservation Action Statement' in Appendix 7 of the 'Ecological Appraisal Report' (Acorn Ecology Ltd, November 2014).
02. The applicant is advised to contact the Highway Authority well in advance of commencement of development to progress a suitable legal agreement to secure the construction of the highways works necessary as part of this development.
03. The applicant is advised that 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. This is stated with specific reference to Moor Lane during the construction period.
04. You are reminded of the Section 106 that accompanies this application.

*(voting: unanimous)*

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**130. Planning Application 15/05325/OUT - Land Adjacent Broadacres East Coker (Agenda Item 13)**

*(Having earlier declared a Personal and Prejudicial Interest Councillors Peter Gubbins and John Field left the room during consideration of this item).*

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 recommendation 'b' be amended to read provision of up to '14' houses and not '20' as detailed on page 70 of the agenda report.

He confirmed that as detailed in the agenda report the previous application for 20 dwellings was dismissed at appeal on only two reasons; 1 – proposal did not contribute to the identified housing need of the local area and did not have support of the local

community; 2. – Significant impact to the landscape and surrounding views. He confirmed the other reasons for refusal were not upheld and costs were awarded against the Council.

The Planning officer also explained that the scheme would provide 5 affordable housing including a bespoke disabled bungalow. Also it is proposed to include a local preference clause for people in the parish and confirmed that the proposal was to include all bungalows on the site.

In conclusion the Planning Officer believed that the main consideration for members was the impact on the surrounding landscape and the lack of community engagement. He considered that all other outstanding issues had been addressed and could be controlled by planning condition or planning obligation. His recommendation therefore was to approve the application subject to the conditions as set out in the agenda report.

In response to members' questions the Planning Officer confirmed that:

- This was an outline application and that no garages had been proposed within this scheme.
- It is usual that the Parish Council can take on the management of the open spaces under a Section 106 Planning Agreement.

Mr Barry Hartley representative from East Coker Parish Council addressed the committee stating that planning permission had been refused on this site for over a period of twenty years and was not supported by the local community. He believed there to be a low level of housing need in the area and that the 5 year land supply carried little weight as was forever changing. He said that 80 houses had recently been approved at Bunford Hollow and that this site was not appropriate for housing development.

Mr Nick Whitsun- Jones spoke of behalf of the CPRE (Campaign to Protect Rural England). He raised concern regarding the Applicant's failure to comply with Policy SS2 to submit a Statement of Community Involvement (SCI) therefore believing a lack of community involvement. He recognised SSDC as not having a five year housing land supply but believed that Policy SS2 was considered to be more than a housing supply policy and the assessment of Policy SS2 should be followed in its entirety.

Caroline Field spoke in objection to the application. She believed the proposal was outside the development area and that all previous applications had been refused on this site. She referred to the lack of community involvement and engagement with the locals and believed the scheme would have an adverse effect of the surrounding landscape and the views from Coker ridge. She believed there were a lack of necessary facilities in East Coker and that additional development in the village is not needed referring to the Keyford site already allocated in the local plan within the area.

Keith Fitzsimons also spoke in objection to the application. He reinforced the concern regarding the visual impact from Coker ridge and believed the site to be clearly a visible extension to the village.

Matt Frost, the agent also addressed the committee. He said significant improvements had been made to the proposal including the reduction of 19 dwellings to 14 and proposed as all single storey. He said the application was supported by a Visual Impact Assessment and believed it would not have a significant impact on the landscape and surrounding character of the area. He confirmed that five bungalows would be affordable

housing which would help meet the local need and aspirations of the neighbourhood plan and that the scheme would contribute towards the five year housing land supply.

In response to comments made, the Area South Lead officer and Planning Officer confirmed that:

- Landscape issues mitigated by fewer dwellings that are all single storey with the addition of a proposed landscape buffer.
- Condition imposed to ensure single storey dwellings on site with the landscape buffer being secured by a Planning agreement.
- Actively SSSC encourage and ask applicants to speak and consult with the local community, however ultimately we cannot legally impose this matter and advised that it would not be upheld at appeal.

Councillor Gina Seaton, Ward member believed the need to keep the historic and heritage area intact. She referred to the Planning Inspector comments regarding the impact on the surrounding landscape and the lack of community engagement. She emphasised that planning permission had been refused on the site several times before and the significant impact it would have on the surrounding views and countryside. She noted the lack of community facilities within the village and believed the site to be unsustainable.

Councillor Cathy Bakewell, Ward member referred to her concern regarding highway safety at the previous application but noted the support of the Highways authority and the other issues which had been dismissed at appeal. She appreciated the need for housing in the village and the proposal for bungalows on the site and believed that identifying housing need was necessary in order to enhance and maintain the sustainability of the village.

During member's discussion, several points were raised including:

- Benefits secured outweigh the lack of community support.
- Identified housing need for both the young and old.
- Appreciate the principles for sustainable development and therefore considered the site to be acceptable.
- Suitable choice for bungalows on site with 5 dwellings of affordable housing.
- Believed the concern regarding impact on the local landscape and community involvement had not been mitigated.

It was then proposed and subsequently seconded that planning permission be granted as per the officers recommendation as set out in the agenda report. On being put to the vote this was carried by 9 votes in favour, 3 against and 1 abstention.

**RESOLVED:**

That application **15/05325/OUT** be granted for the following reason, subject to:

- (a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
  - i) Secure a contribution of £5,357 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities;

- ii) Ensure at least 35% of the dwellings (5 dwellings) are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types.  
 To include the provision of a bespoke unit for specific needs due to disability - 1 x 3bed bungalow (6 person).  
 To also secure a local preference clause for eligible persons, typically with a connection to the parish (currently resident, family, work)  
 To include the following cascade for the 'local preference' clause:
    1. The target parish of East Coker, then
    2. 'Doughnut' ring of adjacent parishes; Closworth, West Coker, Barwick and Stoford, Hardington Mandeville, then finally
    3. Resident of South Somerset
    4. Beyond South Somerset
  - iii) To define and secure the development area, the strategic landscaping and open space (and its future maintenance), and the building free zone as detailed in the email and plan (3353/005) received on 5 February 2015.
- (b) the imposition of the planning conditions set out below on the grant of planning permission.

The Council cannot currently demonstrate a five year housing land supply and there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework when taken as a whole.

The proposal seeks to provide housing in a rural settlement, in a manner that is commensurate to the scale and character of the area and would increase the sustainability of the settlement generally.

Notwithstanding the local concerns, the provision of up to 20 dwellings in this sustainable location would contribute to the council's housing supply without demonstrable harm to archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with policies SS2, SS4, SS5, SS6, HG3, HG5, TA1, TA5, TA6, HW1, EQ2, EQ3, EQ4 and EQ5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

- 01. Details of the appearance, landscaping and layout (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 no 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 in accordance with the following approved plans: 3353/002 and 3353/004B received 27 November 2015 and amended drawing 3353/003A received 5 February 2016.

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

04. The application for approval of the reserved matters shall include details of the finished floor levels and resulting ridge heights of the buildings to be erected on the site.

Reason: In the interests of the visual and residential amenity of the area, in accordance with policies EQ2 of the South Somerset Local Plan (2006-2028).

05. The residential development hereby approved shall comprise no more than 14 single storey dwellings.

Reason: To ensure that the level and density of development is appropriate to the location, considering the open space and strategic landscaping requirements in accordance with EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

06. The landscaping/planting scheme shown on the submitted amended plan 3353/003A received on 5 February 2016 shall be completely carried out within the first available planting season from the date of commencement of the development.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the adopted South Somerset Local (2006- 2028).

07. Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree and Hedgerow Protection Plan shall be prepared in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree and hedgerow protection details by the Council in-writing, a site-meeting between the appointed Arboricultural Consultant, the Site Manager and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration



of the construction of the development and the protective fencing & signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended) and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

08. No works shall be undertaken unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interest of archaeology in accordance with Policy EQ3 of the adopted South Somerset Local Plan (2006 - 2028).

09. No works shall be undertaken (including any ground works or site clearance) unless a method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the method statement, unless otherwise approved in writing by the Local Planning Authority.

Reason: For the protection of a legally protected species to accord with policy EQ4 of the South Somerset Local Plan (2006 - 2028), and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

10. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- o Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- o Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- o Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- o Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm duration unless it has been specifically designed to do so.

- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and 103 and sections 10 and 11 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

11. 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 highway safety in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

12. The development hereby permitted shall not be occupied until parking spaces for the proposed dwellings in line with the SCC Countywide Parking Policy have been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. In addition as well a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site. Such parking and turning spaces shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety in accordance with Policies TA5 and TA6 of the South Somerset Local Plan (2006 - 2028).

13. No works shall be undertaken unless detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to line, level and layout of the proposed alterations to Long Furlong Lane (as shown generally in accordance with the submitted plans) including its means of construction and surface water drainage. The approved access road improvements shall be laid out constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 and completed in their entirety to the LPA's written satisfaction prior to any work commencing on any dwelling hereby approved.

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

14. No works shall be undertaken unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to

mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

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

15. The application for approval of the reserved matters shall include a strategy for the storage and collection of domestic recycling and refuse. Such a scheme shall include the locations of collection points (communal if necessary) and access routes thereto.

Reason: To promote sustainable construction as advocated by the National Planning Policy Framework.

**Informatives:**

01. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
02. Badgers are present on the site and may create 'outlier setts' (temporary setts) at any time, which could require identifying an exclusion zone or require closure under licence from Natural England (normally restricted to July to November inclusive). Update surveys for badgers are recommended prior to commencing development (particularly each new stage of ground works or excavations) in order to minimise the risk of damaging setts in contravention to the Protection of Badgers Act 1992, and introducing delays to the development. Site specific advice from an ecological consultant is recommended in order to inform appropriate exclusion zones and protection, timing of sensitive operations (which may be limited to July to November), and assistance with the application for sett closure licence from Natural England.
03. You are reminded of the Section 106 that accompanies this application.

*(voting: 9 in favour, 3 against, 1 abstention)*

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**131. Appeals (For Information Only) (Agenda Item 14)**

Members noted the Appeals.

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Chairman

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Date