

## South Somerset District Council

**Minutes** of a meeting of the **Area North Committee** held by video-conference using Zoom meeting software on **Wednesday 27 May 2020**.

(2.00 pm - 5.00 pm)

**Present:**

**Members:** Councillor Adam Dance (Chairman)

Neil Bloomfield (to 4.20pm)	Clare Paul
Malcolm Cavill	Crispin Raikes
Mike Hewitson	Dean Ruddell
Tim Kerley	Mike Stanton
Tiffany Osborne	Gerard Tucker



**Officers:**

Netta Meadows	Director (Service Delivery)
Tim Cook	Locality Team Manager
Debbie Haines	Locality Team Leader
Sarah Hickey	Senior Planning Lawyer
Colin Arnold	Specialist (Development Management)
Stephen Baimbridge	Specialist (Development Management)
Rupert Williamson	Specialist (Environmental Health)
Tim Cox	Specialist (Environmental Health)
Angela Cox	Specialist (Democratic Services)
Becky Sanders	Case Officer (Strategy & Commissioning)

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

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### 107. Minutes (Agenda Item 1)

The minutes of the previous meetings held on 26 February 2020 and 22 April 2020 (Area North Informal meeting) were approved as correct records, and would be signed by the Chairman.

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### 108. Apologies for absence (Agenda Item 2)

An apology for absence was received on behalf of Councillor Louise Clark.

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### 109. Declarations of Interest (Agenda Item 3)

Councillor Malcolm Cavill declared a personal interest for item 13 - planning application 19/02729/FUL – as he had previously owned / leased the property until 2015. He clarified he no longer had any connection with the farm nor did he have any connection with the applicant.

#### **110. Date of next meeting (Agenda Item 4)**

Members noted that the next meeting of the Area North Committee was scheduled for 2.00pm on Wednesday 24 June 2020, and would be a virtual meeting using Zoom meeting software.

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#### **111. Public question time (Agenda Item 5)**

There were no questions from members of the public present at the meeting.

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#### **112. Chairman's announcements (Agenda Item 6)**

The Chairman reminded those present in the Zoom meeting that the meeting was being live streamed to YouTube.

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#### **113. Reports from members (Agenda Item 7)**

Councillor Gerard Tucker was pleased to inform members that Long Sutton's temporary shop planning application had been approved, and the project was continuing to proceed albeit a little slower at the moment due to the Covid-19 situation.

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#### **114. Area North - Area Chapter 2019/2020 Outturn Report (Agenda Item 8)**

The Locality Team Manager presented the report that provided members with an overview of the first year of delivery of the Area Chapter for Area North. He highlighted key elements of the report and noted there were no further updates. Some lessons had been learned during the first year of the chapter, and he advised there was probably a need to develop clearer milestones to facilitate easier monitoring of outcomes. He reminded members that quarterly updates were posted on the members portal for information, however in the future he suggested that the updates were agenda items, so that any concerns or changes to delivery of priorities could be discussed and agreed when necessary.

During a short discussion the Locality Team Manager and Locality Team Leader responded to points of detail, and some of their comments included:

- Area North had done well with grant funding over the year, and the 4:1 ratio of funding was comparable with the other Areas. Officers would always strive to increase the funding ratio.
- A request for a further update on the status of the funding request for Cartgate TIC would be made to the Leisure & Recreation Manager and circulated to members.
- A further update on the latest situation regarding the works at Somerton Recreation Field would be circulated to members.
- Due to Covid-19 there were likely to be some reviews of budgets and probably some changes to priorities. Some projects might be delayed or delivered differently, or there was the possibility that some projects may no longer happen.
- Grant applications were still welcomed.

Some further queries were raised about whether any SSDC meetings had been convened to consider budgets or service reductions in light of the Covid-19 situation, and also about the decision making processes that were in place. The Director (Service Delivery) responded to points of detail and clarified that:

- No urgent meetings had been held to consider the budget or service reductions.
- A report on the Impact of Covid-19 on the Council was due to be considered by District Executive in June.
- An urgent report had been considered by full Council in March regarding additional delegation of decision making to the Chief Executive temporarily.
- All of the decision making committees had held a virtual informal / consultative meeting so that the Monitoring Officer could be satisfied that decisions were able to be made appropriately using technology at virtual meetings, and to ensure that the Chairmen were comfortable they could chair a meeting using Zoom. Where a committee had met had once virtually, the decision making had transferred back to that committee. The only committee that had yet to meet virtually was full Council.

At the end of discussion the Chairman thanked the officers for the report. Members were content to note the report.

**RESOLVED:** That the Area Chapter 2019/2020 Outturn Report be noted.

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#### **115. Area North Committee Forward Plan (Agenda Item 9)**

There was no discussion and members were content to note the Forward Plan.

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#### **116. Planning Appeals (Agenda Item 10)**

Members noted the report that detailed the planning appeals which had been lodged, dismissed or allowed.

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#### **117. Schedule of Planning Applications to be Determined By Committee (Agenda Item 11)**

Members noted the schedule of planning applications to be determined at the meeting.

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#### **118. Planning Application: 19/02729/FUL - New House Farm, Stowey Road, Fivehead. (Agenda Item 12)**

***Proposal: Alterations to 2 No. agricultural buildings with change of use to the buildings and land to D1 Non-residential institution use.***

The Specialist (Development Control) presented the application as detailed in the agenda, and explained to members that as there had been a reduction in the number of parking spaces proposed that a Travel Plan was not required. He provided more detail regarding the key considerations and reminded members why the application had been deferred at the February meeting. Members were provided with two updates:

- the Ecologist had responded since the agenda had been published and had recommended three additional conditions for ecology, and these were detailed to members.
- There were some conflicts with conditions 7 and 11 as detailed in the report, regarding operating times. He recommended that condition 7 be removed and rely on condition 11 as per comments from Environmental Health.

Four members of the public spoke in objection to the application and some of their points included:

- Ask members to consider the impact on local residents and neighbours.
- Noise will have an adverse impact on neighbours and there will also be pollution from vehicle exhausts.
- There are a large number of local residents against this application.
- Government policy suggests development such as this should be avoided.
- Seen an unprecedented lobbying by a minority group for this change of use.
- A noise assessment has been done but it has errors.
- There are no plans for toilets or diesel storage.
- Proposal does not qualify for farm diversification.
- The applicant does not own the site and no viability assessment has been done.
- There are records that show this is an environmentally sensitive site.
- This is an ill-thought out proposal which breaches policies.
- No travel plan has been done as a new site plan was submitted with only 16 parking spaces, but the latest proposal now has the parking on species sensitive land.
- County Highways has not been consulted on some elements and some of the visibility splay is not within the applicant's ownership.

The applicant and agent then addressed members in support of the application, and some of their points included:

- Aware of some mis-information about the proposal and business which had been posted online and in the village.
- Spraying records from previous years suggested that vulnerable plants species had probably already disappeared.
- It's a small, family run business.
- This was part of a former county farm and the property now only extended to just over 8 acres and hence too small to farm.
- One building would be for machinery storage and the other for training.
- Study of the amount of expected traffic movements had led to the reduction in the number of required parking spaces.
- No objections on noise grounds had been raised by Environmental Health.
- No objections received from statutory consultees.

Ward member, Councillor Malcolm Cavill, noted the application was before committee for transparency partly because of his previous connection to the site. He reminded members of discussions at the previous meeting when the application had been considered. He noted he had remained impartial throughout the process, but having considered the application, he was in support of the officer recommendation.

During discussion mixed opinions were expressed and several points of clarity were asked. Some of the comments included:

- Share concerns raised about the reduction in car parking spaces.

- Would be happier if the operating times in condition 7 were kept and lose point 6 in condition 11.
- Concerned that the applicant does not own the visibility splay and was a condition being put on that could not be complied with?
- There doesn't seem to be any measures in place for dust suppression.
- Feels like it will be a construction site next to residential. – except it wont go away.
- The reports requested at the last meeting have been submitted.

During debate the Specialist (Development Control) and Specialist (Environmental Health) responded to points of detail and provided some further clarification regarding:

- Noise dispersion and mitigation
- Could possibly condition further for dust suppression if felt necessary.
- Detail of the sale particulars for the site were not known and any issues regarding possible covenants would be a civil matter.
- The plans did not show any fuel storage at the site.
- Conditions for operations – following comments raised during debate - it was suggested to retain points 1-5 in condition 11, and that the existing point 6 in condition 11 (as detailed in the agenda report) be deleted, and what was currently showing as condition 7 be moved and made a new point 6 in condition 11.
- The Ecologist had recommended three additional conditions to those detailed in the agenda report.

At the conclusion of debate it was proposed to approve the application, as per the officer recommendation, subject to three additional conditions for ecology, and the moving of condition 7 (as detailed in the agenda report) to become the new point 6 of condition 11, as suggested during discussion. On being put to the vote the proposal was carried 7 votes in favour, 2 against with 1 abstention.

**RESOLVED:** That planning application 19/02729/FUL be APPROVED, as per the officer recommendation, subject to three additional conditions for ecology and amended conditions regarding operations (for clarity the revised and agreed conditions are detailed below), and subject to the following:

**Justification:**

The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2, EP5, SS3, EQ3 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

**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: All prefixed 200 01 - Existing site and block plan

02 - Site plan including topographical survey

03 - Proposed site plan

04 - Building 1 existing

05 - Building 2 existing

06 - Building 1 proposed

07 - Building 2 proposed

08 - Site visibility

09 - Stowey Lane to Stowey Road visibility splay

Noise management plan

New House Farm - Oct 2019 Ecological Appraisal.

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

03. Prior to occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan.

04. The area allocated for parking on the submitted plan, drawing number 200-03, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan.

05. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan, drawing No 200-08. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan.

06. Prior to the commencement of the change of use, the applicant shall, at their own expense, appoint a suitably qualified acoustic consultant with a remit to examine the premises / land and identify what measures, if any, may be necessary to ensure that:
- Compliance with all other consent conditions relating to noise emitted from the site, is achievable and

- Harm to amenity to noise sensitive receptors is unlikely to result.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report is to be agreed, in writing, by the Planning Authority and the approved measures shall be implemented in their entirety prior to occupation / reoccupation and use of any part of the premises, unless an alternative period for completion is agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring residential properties and in accordance with Policies EQ2 and EQ7 of the South Somerset District Local Plan.

07. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

08. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of any trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

09. A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement or prior to commencement of construction/conversion works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BMEP shall include the following:
  - a. A 5 m buffer is to be installed around the hedges, e.g., using a stock proof fence, in the field used for construction machinery training, to reduce potential impacts on the hedges, in accordance

with BS5837:2012

- b. A [Beaumaris Woodstone maxi bat box] or similar will be mounted under the apex of the west elevations of each barn, and maintained thereafter.
- c. Two bat boxes (Schwegler 1FF) will be installed in mature trees at the boundaries of the site to enhance roosting opportunities.
- d. One no. Schwegler 1B and one no. Schwegler 2H bird boxes will be installed on retained trees at the boundary.
- e. Installation of 4 x artificial swallow nesting cups, or similar, to be erected on a main beam of the open side barn/agricultural buildings, at a height above 3m
- f. A wildlife pond will be installed in the south-east corner of the site with shallow margins and a range of plant species to encourage a wide diversity of wildlife on the site. As an additional option and suggestion a rough grassland margin could be allowed to develop around the other field in the south part of the site (not subject to the planning application), adjacent to hedges to provide habitat for invertebrates and reptiles.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

10.

- 1) Only two vehicles for the use of instructing students may be used at any time. This condition does not apply to vehicles used to transport students to and from the site.
- 2) Activities involving vehicles should not take place outside those modelled within the acoustic report.
- 3) Reversing alarms shall be deactivated for the purposes of training.
- 4) The silage clamp and earth banking shall be retained at the site. The silage bank shall be increased to height of 3m.
- 5) No machinery shall be operated within 160 metres of the nearest non-associated residential property.
- 6) Once in operation the site training hours involving the use of plant and equipment likely to generate high levels of noise shall be restricted to the hours of 09.00 to 16.30Hrs Monday to Friday and no works expected to occur on Saturdays and Sundays.

Reason: In the interests of the amenity of the neighbouring residential properties and in accordance with Policy EQ2 of the South Somerset District Local Plan.

- 11. Hedgerows associated with or near to banks to be raised will be cut down in September and October in any one year when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. The hedgerow will be cut down to a height of 30cm above ground level using hand tools only. If an above-ground nest is found it shall be left in situ and a European protected species licence obtained. The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist prior to banks



being raised. If a European protected species licence is required a copy will be sent to the Local Planning Authority prior to any such works commencing.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

12. To confirm the presence of rare arable plants associated with cultivated and disturbed habitat, noted as being of conservation concern on Section 41 of the Natural Environment and Communities Act 2006, prior to development a botanical survey will be undertaken between late May / early June by an experienced Ecologist or Botanist. Result of the survey, including the presence of rare or threatened arable plants, will be submitted to the LPA. In the event that rare or threatened arable plants are found on site, a mitigation plan including proposals for plant retention/protection and/or translocation will be sent to the LPA.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

13. No works, including vegetative clearance and ground works, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed reptile mitigation strategy. The detailed reptile mitigation strategy shall include details of:
  - a) the proposed construction working practices to avoid harming reptiles
  - b) details of proposed Location, to accommodate any reptiles discovered during works
  - c) the timing of works to minimise the impact on reptiles
  - d) if required, details of the location and status of a translocation site

The development shall thereafter be carried out in accordance with the approved mitigation strategy and shall be permanently retained in accordance with the approved details.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

*(7 in favour, 2 against and 1 abstention)*

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**119. Planning Application: 20/00287/OUT - Land Os 4400, Highfields, Main Street, Barrington. (Agenda Item 13)**

***Proposal: Outline application with all matters reserved save for access for the erection of 6 No. dwellings.***

The Specialist (Development Management) presented the application as detailed in the agenda report and highlighted the key considerations. He acknowledged several concerns had been raised about surface water drainage, and advised some images had been submitted by the parish council and were included at the end of the officer presentation.

A spokesperson for Barrington Parish Council and a representative for residents of Sharlands spoke in objection to the application, some of their comments included:

- Have submitted some photos to demonstrate flooding in November 2019.
- The village of Barrington is located on a hillside, and no amount of man-made drainage will defy nature.
- Properties at the bottom of Sharlands have experienced drainage issues several times previously.
- There are issues with blocked drains nearby due to drainage not being completed satisfactorily at a neighbouring development.
- There is no great support or need for a development like this in Barrington.
- It's greenfield land and policies suggest it shouldn't be built on.
- Don't feel the highway access, safety and visibility splays have been adequately considered.

The agent then addressed members, and some of his comments included:

- They had listened to comments in the parish and kept the proposed units small.
- Hedges would be re-instated behind the visibility splay.
- Highways requirements had been met.
- Comments made about conditions not being complied with at a nearby development were not a concern to be considered for this proposal.

Ward member, Councillor Mike Stanton, noted he had listened to many local representations and attended parish council meetings where the proposal had been discussed. He was not against development in the parish but he had concerns with this application regarding storm water flooding. As the village was on a hillside, he acknowledged there were always going to be issues with water running downhill. He felt there needed to be assurance that the proposed drainage scheme would be done satisfactorily and be effective.

During discussion several comments were raised including:

- Concern that not all drainage details are known at this outline stage.
- Making the road wider at that point will be beneficial
- Speed of water run-off is a concern.
- Feels like infill development.
- Condition 9 requires that the surface water drainage scheme is installed before commencement.

In response to some of the comments made, the Specialist (Development Management) clarified that:

- Full technical details for the drainage would be considered at the reserved matters stage, and would need to comply with Building Regulations.
- The drainage scheme would need to ensure that the proposal would not exacerbate the existing situation. Indicative plans had indicated such a scheme could be achieved.
- The proposed dwellings would not be specifically allocated to local people, as the development was an open scheme.

At the end of discussion, it was proposed to approve the application, as per the officer recommendation, and on being put to the vote was carried 8 votes in favour and 2 against with no abstentions.

**RESOLVED:** That planning application 20/00287OUT be APPROVED, as per the officer recommendation, subject to the following:

**Justification:**

The development proposes the construction of 6 open market properties. The site is considered to be in sufficiently close proximity to Barrington as to qualify as being 'in' a Rural Settlement. It is accepted that the scheme accords with the requirements of Policy SS2 of the Development Plan, but as the site is unallocated so is technically a departure from the Development Plan it falls to consideration of the scheme on 'planning balance'. From consultee responses received it is evident that the scheme can be delivered, subject to adherence to planning conditions. Knowing this, the weighting of delivery of six dwellings where there is no 5YHLS is considerable in this case. In summary, as the proposal is compliant with adopted settlement policies of the Development Plan, the delivery of six dwellings in a sustainable location, that could contribute towards the under supply of the 5YHLS is considered sufficient to justify supporting the scheme. This outline planning application therefore accords with policies SD1, SS1, SS2, SS4, SS5, TA1, TA5, EQ1, and EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

**Subject to the following conditions**

01. An application for approval of the reserved matters for the six dwellings approved 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.

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:

Site Location 1:1250 drawing 6.3

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

04. No proposed access works and associated development shall take place (including ground works and vegetation clearance) until a

construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitats (trees, hedgerows and field edges) and protected species (birds, badgers, reptiles and amphibians), followed by appropriate mitigation, as required.
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)];
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works]

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan.

05. Prior to occupation, a "lighting design for bats and biodiversity]" for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
  - a. identify those areas/features on site that are particularly sensitive for bats (hedgerows, trees, bat boxes and any created grassland) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b. show how and where external lighting will be installed (through the provision of a 'lighting contour plans and' if appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan

06. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan

07. A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement or prior to commencement of construction works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BMEP shall include the following:

- a) A [Habibat 001] bat box or similar will be built into the structure of 3 houses, positioned at least four metres above ground level and away from windows of the west or south facing elevation
- b) A cluster of five Schwegler 1a swift bricks or similar will be built into the structure of 1 house, built into the wall at least 60cm

apart, at least 5m above ground level on the north facing elevation [of Plots xx]

- c) A cluster of three Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation of 2 houses.
- d) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart mounted on 1 house or garages, away from windows on the north elevations .
- e) A bee brick built into the structure of 3 houses or garages, located 1 metre above ground level on the south or southeast elevation.
- f) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- g) New shrubs to include plants that are high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native.

Reason: In the interests of biodiversity and in accordance with Policy EQ4 of the South Somerset District Local Plan

08. No work shall commence on the development site until the developer has submitted and had approved by the Local Planning Authority full details of the access to be provided onto and along the public highway (Main Street). No part of the development hereby permitted shall be occupied until the approved detail has been fully constructed.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan.

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan.

10. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with

Policy TA5 of the South Somerset District Local Plan.

11. The development hereby permitted shall not be first occupied until an agreed number of vehicle parking spaces and layout for the development have been provided and approved in conjunction with the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: In the interests of highway safety and to ensure that there is adequate off street parking available for the development proposed in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan.

12. Prior to first occupation of the development hereby permitted, access to covered cycle and, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan.

13. During the construction phase, 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 commencement and thereafter maintained until the construction of the site discontinues.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset District Local Plan.

14. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided adjacent to the parking spaces or within the garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

**Informatives:**

01. The County Highways Authority advises:

The applicant will be required to enter into a suitable legal agreement

with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development

02. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details  
<https://www.southsomerset.gov.uk/cil> or email  
[cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk).

03. The SCC Ecologist advises:

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

*(Voting: 8 in favour, 2 against, 0 abstentions)*

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**120. Planning Application: 19/03510/FUL - Land East Of 23 Highfields, Main Street, Barrington. (Agenda Item 14)**

***Proposal: Change of use of land, the formation of a new vehicular access and the erection of one detached dwellinghouse with an attached garage and the erection of one pair of semi-detached dwellinghouses and associated parking.***

The Specialist (Development Management) presented the application, as detailed in the agenda, and highlighted the key considerations. He noted that some issues were the same as for the previous application discussed on the agenda (20/00287/OUT).

A spokesperson for Barrington Parish Council spoke regarding concerns about surface water drainage and flooding. Some of her comments included:



- Water flows down Shelway and floods on the other side of the road, sometimes nearly affecting properties.
- Water constantly flowed off the fields and along the road. Recently drainage works had been undertaken which now diverted some water underground, however some water continued to run down the road passing two drains before reaching a new drain, but water was still emerging onto the highway further along the road.
- There is much surface water along the road every time it rains.
- As a village not against new development but not on this hillside.

The agent then addressed members and some of his comments included:

- The applicants had owned the site for almost 15 years and had never experienced the field flooding.
- Believe photos shown by previous speaker had been taken prior to recent works undertaken by Wessex Water.
- Don't believe proposal will increase surface water run-off.
- The applicants were looking to replant hedges along the frontage of the site.

At the request of the Chairman, the spokesperson for the parish council confirmed that her submitted photos had been taken before the recent drainage works by Wessex Water which had been undertaken on one side of the road, however water continued to run down the other side of the road.

Ward member, Councillor Mike Stanton, commented he didn't have much more to add to what had already been said. He noted that in the winter there was always a sheet of water across the road which could freeze. He was concerned that this development, even with good drainage, would exacerbate the issue.

During discussion several comments were raised including:

- Concern there will be more run-off onto the highway.
- Should be conditioned to require the drainage to be done first.
- Unlikely to be able to stop water flowing down Shelway Lane.
- Concern about visibility and highway safety as traffic could be approaching the development on the wrong side of the road due to parked cars.
- On street parking is a County Council issue and possibly yellow lines are needed.
- Feel there has been a lack of inventiveness to try and resolve some wider issues.

In response to some of the comments made during discussion, the Specialist (Development Management) clarified that:

- Highways had considered the safety element and parked cars.
- It was not possible to condition another authority to provide yellow lines.
- Unreasonable to penalise this development due to parking of vehicles by third parties on the highway.
- It was possible, and sensible, to amend condition 10 (drainage) to require its provision prior to commencement rather than occupation.

It was initially proposed to refuse the application on highway grounds, and then upon further discussion, it was suggested instead to refuse regarding Policy SS2 as the proposal was not meeting the requirements of the community.

In response to the proposal made, the Specialist (Development Management) advised that members would need to be clear on what highway grounds they were

recommending refusal, as parking by a third party was beyond the control of the applicant. He also advised that it would be difficult to argue a reason on sustainability as members had just approved the principle of six houses nearby and there were more than two facilities in the village.

The Senior Planning Lawyer also advised members that the reasons for refusal put forward might not be defensible at appeal as no statutory consultees had objected and parking was not in the control of the applicant. She confirmed that the decision was a committee one to make but she had a role to advise where there may be risks in the decision being made. The Director (Service Delivery) confirmed that she supported the comments made by the Specialist (Development Management) and that she had heard no strong reasons in planning terms to refuse the application.

The proposal to refuse the application on the grounds of policy SS2 and it being an unsustainable location, was put to the vote but was not carried – 3 votes in favour of refusing the application, and 7 against with no abstentions.

A subsequent proposal was made to approve the application, as per the officer recommendation, subject to an amendment to condition 10 (drainage) to require its provision prior to commencement rather than occupation. On being to the vote the proposal was carried 7 votes in favour and 3 against with no abstentions.

**RESOLVED:** That planning application 19/03510/FUL be APPROVED, as per the officer recommendation, subject to an amendment to condition 10 (drainage) to require provision prior to commencement (for clarity the amended condition is detailed below), and subject to the following:

**Justification:**

The proposed development is considered to be acceptable in principle, contributing towards identified local and district-wide housing need, without significantly and demonstrably harming the character of the surrounding area, residential amenity or highway safety. The proposal is considered to accord with policies SD1, SS1, SS4, TA5, TA6 AND EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

**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:

MBS3DHSP14(001)  
MBS3DHSP14(002)  
MBS3DHSP14(003)  
MBS3DHSP14(004)  
MBS3DHSP14(005)

MBS3DHSP14(006)  
MBSRSP1  
MBSRSP2  
MBSRSP3  
MBSRSP4  
MBSRSP5

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

03. There shall be no obstruction to visibility greater than 600 millimetres. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

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

04. The areas allocated for parking and turning on the approved plans shall be fully provided prior to the dwelling hereby permitted being first occupied. Thereafter these areas shall kept clear of obstruction and not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

05. Prior to first occupation of the development hereby permitted the proposed access over at least the first 5 metres of its length, as measured from the edge of the highway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

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

06. The use hereby permitted shall not commence until the existing access (field entrance gate) has been permanently closed in accordance with the approved plans.

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

07. Prior to the commencement of any works hereby approved, the proposed widening of the carriageway and width and geometric layout of the proposed access shall be constructed in accordance with the details shown on drawing MBS3DHSP14(006)

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

08. Prior to first occupation of the dwellings hereby permitted, a 16amp electric charging point, for electric vehicles, shall be provided adjacent to the area allocated for parking on the approved plans. Once installed such electric charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

09. The dwellings shall not be occupied until the proposed cycle parking provision has been constructed in accordance with approved plan MBS3DHSP14(006).

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

10. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no external alterations or extensions undertaken to the dwelling hereby permitted without the prior express consent of the local planning authority.

Reason: To safeguard local character and residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

12. The development hereby permitted shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing, surfacing, and hard landscaping. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation,

weed suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; all other elements of the landscaping shall be fully implemented in accordance with the agreed details prior to first use or in accordance with a phasing plan submitted as part of the landscaping details. If any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of the South Somerset Local Plan (2006 - 2028): EQ2: General Development; EQ4: Bio-Diversity; & EQ5: Green Infrastructure.

13. No work shall be carried out above damp-proof course level or, for boundary treatments or hardstandings, no works to erect boundary walls or fencing or lay hardstandings, on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- c) details of all hardstanding and boundaries
- d) details of the rainwater goods and eaves and fascia details and treatment.

Subject to particulars being agreed for each part (a-d) that aspect of the development may be laid, erected, or installed (as relevant).

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

Reason: In the interests of visual amenity and to comply with Policies EQ2 of the South Somerset Local Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be

undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecology Report as already submitted with the planning application 08/01/2020 (survey completed 23/10/2019) and agreed in principle with the Local Planning Authority prior to determination.

Reason: In the interests of [European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy EQ4 of the South Somerset Local Plan Core Strategy

#### **Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

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You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

02. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
03. The developers are reminded of the legal protection afforded to reptiles under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that reptiles are encountered

during implementation of this permission it is recommended that works and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

(Voting: 7 in favour, 3 against, 0 abstentions)

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**121. Planning Application: 19/02777/FUL - Land Adjoining Morganside, Turnhill Road, High Ham (Agenda Item 15)**

***Proposal: The erection of 3 No. dwellings with associated works including the creation of a new access and landscaping.***

The Specialist (Development Management) presented the application as detailed in the agenda and provided information regarding the key considerations. The officer recommendation was for approval of the application.

A spokesperson for High Ham Parish Council, two members of the public and a representative for the CPRE spoke in objection to the application. Some of their comments included:

- The application had been ongoing for 18 months and had been contentious in the local community due in part to its proximity to the Grade 1 Listed church.
- Reference to the character and distinctiveness of the heritage assets and settlement.
- Feel that Policy SS2 is being compromised.
- The lane behind the church to the site is very narrow and has a sharp bend. Damage has already been done by large vehicles and the lane cannot be widened.
- There will be some overlooking on properties whose doors open directly onto the lane.
- The proposal will open the way for larger development across the rest of the field.
- Proposal will fundamentally change the distinctiveness and character of the area.
- Historic features of ridge and furrow are in the field and should the hedge not be protected due to it's significance?
- Proposal will be incongruous when viewed from nearby footpaths and from the North and East.
- There will be an adverse impact. Heritage assets are protected in the NPPF and Local Plan – the application should be refused on principle.

The agent then addressed members and referred to sustainability and reminded members of the responses from statutory consultees. He noted the proposal was a high quality design which would help to meet local need.

Ward member, Councillor Gerard Tucker, acknowledged the access to the site was poor. There was a 90° bend alongside the church wall, and a 120° junction at the opposite end of the road, and access was therefore likely to be challenging for larger vehicles. Potential residents would likely commute as there were few local employment opportunities. The houses proposed were not affordable housing, and with little employment nearby and the proximity to the church and heritage assets, he didn't feel the proposal met policy requirements. He also commented that he would liked to have seen a stronger travel plan, and recommended refusal of the application.

During discussion, many members expressed concern about the proposal. Some of the comments included:

- Road access to the site is not good.
- Need to protect our heritage assets.
- This location is unacceptable.
- Acknowledge comments in CPRE response about impact on heritage assets.
- Not keen on the design and the conservation area is around the site.
- The church is tucked away from the site.
- Design could be better but struggle to see huge harm.

In response to comments made, the Specialist (Development Management) advised caution was needed if members were minded to refuse the application on heritage grounds, as Historic England as a statutory consultee had not objected to the proposal. He acknowledged concerns raised about roads being narrow, and explained that members needed to consider if the impact of intensification of traffic would be so severe as to refuse the application.

It was proposed to refuse the application on the grounds that policies had a presumption of non-development in this location, the landscape and character were not enhanced or preserved, and the heritage significance of the church, church wall and nearby grade 2 listed properties would be compromised.

Having heard the proposal and reasons put forward, the Specialist (Development Management) suggested some revised wording to the reason in planning terms, which was agreed by members.

On being put to the vote the proposal to refuse the application was carried 8 votes in favour and 1 against with no abstentions.

**RESOLVED:** That planning application 19/02777/FUL be REFUSED, contrary to the officer recommendation, for the following reason:

**Reason:**

The development, by reason of there being a presumption against development in this location and neither conserving nor enhancing the landscape character or local heritage assets, would result in unsustainable development contrary to policies SS1, EQ2, and EQ3 of the South Somerset Local Plan (2006-2028).

*(Voting: 8 in favour of refusal, 1 against, 0 abstentions)*

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Chairman