

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at the **Virtual Meeting - Virtual Meeting using Zoom meeting software on Tuesday 21 July 2020.**

(10.00 - 11.05 am)

Present:

Members: Councillor Peter Gubbins (Chairman)

Jason Baker	David Recardo
Neil Bloomfield	Andy Soughton
Adam Dance	Paul Rowsell
Tony Lock	Linda Vijeh
Sue Osborne	William Wallace
Crispin Raikes	Martin Wale

Other members:

Tony Capozzoli

Officers

Jo Boucher	Case Officer (Strategy & Commissioning)
Sarah Hickey	Senior Planning Lawyer
Trudy Gallagher	Specialist (Development Management)
Jane Green	Case Officer (Development Management)

127. Minutes (Agenda Item 1)

The minutes of the Regulation Committee meeting held on 2nd June 2020, copies of which had been circulated, were agreed as a correct record and would be signed by the Chairman.

128. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillor Malcolm Cavill who was substituted by Councillor Martin Wale.

129. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

130. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

131. Planning Application 20/00251/OUT - Land South of Chilthorne Knapp Chilthorne Hill Chilthorne Domer BA22 8QZ (Agenda Item 5)

The Case Officer, Service Delivery presented the report and explained to members that this outline application had been referred to the Regulation Committee at the request of the Lead Specialist – Planning given the potential for district-wide implications should the application be approved. She confirmed that the Area East Committee were unanimous in favour to approve the application, contrary to the officer's recommendation.

With the aid of a powerpoint presentation she then proceeded to show the site location and proposed access including the distances of local services. She referred to the key considerations being; principle of development, visual amenity, impact on setting of listed building, highway safety, residential amenity and planning balance.

She concluded the site location was remote from services and was within the curtilage of a Grade 2 listed building with no meaningful heritage statement provided to assess the possible impact. She felt self-build should be given limited weight as the number of self-build plots available exceeded the number of people on the self-build register. The recommendation was to refuse the permission.

In response to questions from members, the Case Officer - Service Delivery and Specialist - Development Manager advised:

- Sustainability of any new build cannot be justified based on properties already built on the site.
- Historic England comment only on Grade 2* Listed buildings, therefore appropriate consultation had been sought with the SSDC Conservation Officer.
- Because of the district-wide implications of approving the application, the Lead Specialist for Development Management had asked that it be referred to the Regulation Committee.
- Believe there is sufficient evidence of weight regarding unsustainability to overrule the benefit of one dwelling in a rural area.
- With regard to self-build, there is a requirement to keep a register of interested parties and make provision to satisfy that need. The number of self-build plots available already exceed the number of people on that register.
- If members were minded to approve the application, an informative would be included to advise the applicant that permission would be required to ensure correct legal access via the right of way, as this is not part of the planning permission.
- Explained the measurements considered when looking at sustainability issues and distances from local facilities, however no specific requirements are included within the Local Plan or National Planning Policy Framework. Nonetheless, these figures are mentioned within the national design guide and used by the planning inspectorate when assessing sustainability.
- If members were minded to approve the application, the access condition that was previous agreed at the Area East Committee cannot be carried forward and would need to be resolved at the reserved matter stage.

Ward member, Tony Capozzoli then addressed the committee. He believed this to be a brownfield site in a sustainable location, was a prime site that would encourage the use of cycling and walking to help promote health and well-being. He had considered the application at Area East Committee and considering all matters, believed the application should be granted permission.

A representative of Chilthorne Parish Council then addressed the committee. He appreciated the site had challenges including concerns regarding surface water run-off, sewerage and overlooking but felt that if this could be dealt with they had no objection to the application. He felt this would be a much needed additional house with good local footpaths into the village.

The Agent addressed the committee and advised that there would be no problem in providing the required visibility splays and a safe access could be provided and covered by an appropriate condition. This was already a developed site, of modest design and the proposed self-build site was adequate to overcome policy objection. A statement of the impact of the heritage asset had accompanied the application, and given the distances separating the proposed dwelling and the listed building, there could not be any significant impact on the heritage asset.

The applicant said he had lived in the Yeovil area for 15 years and had actively been seeking a building site for some time. He was a qualified brick layer and stonemason and also assisted his father to run his farm. The proposed site was in the middle of a farming area and would provide a green and more sustainable lifestyle and reduce carbon footprint. It would provide a nice family home, be built of hamstone and eco-friendly materials and any potential overlooking of neighbouring properties would be covered by trees and hedge planting. He considered the site sustainable, would enhance the area and local roads were safe to use.

Ward member, Paul Rowsell believed the site was an excellent infill site that would enhance the current site, bring it back into good use, and provide an excellent family home. He voiced his disappointment that this application had been recommended for refusal as he believed the site and village to be sustainable.

During member's discussion, comments were made including the following:

- Questioned the reasoning behind the application having to be referred to the Regulation Committee.
- The proposal would enhance the site.
- The site was in a sustainable location, close to the local village and the proposal would help support the local area.

It was then proposed and subsequently seconded that the application be approved, contrary to the officer's recommendation, for the reasons as read out by the Case Officer as follows:

- Subject to the prior completion of a Section 106 legal agreement, before the decision is issued to ensure the property is self-build.

The justification was agreed as:

The proposal would provide a new self-build dwelling in a sustainable location by reason of being well-related to key services by foot or cycle. The proposed development therefore constitutes sustainable development that is in accordance with policies SD1, SS4, SS5, EQ2, EQ3 and TA5 of the South Somerset Local Plan and to the aims and objectives of the National Planning Policy Framework (2019).

Subject to conditions to include: time limits, reserve matters, approved plans, omit of access (part of reserve matters application), charging point, ecology, planting and landscaping, noise, ventilation, construction, no burning on site and an informative regarding right of way access.

On being put to the vote this was carried unanimously.

RESOLVED:

That Planning Application **20/00251/OUT** be GRANTED permission subject to:

- The prior completion of a Section 106 legal agreement, before the decision is issued to ensure the property is self-build

Justification

The proposal would provide a new self-build dwelling in a sustainable location by reason of being well-related to key services by foot or cycle. The proposed development therefore constitutes sustainable development that is in accordance with policies SD1, SS4, SS5, EQ2, EQ3 and TA5 of the South Somerset Local Plan and to the aims and objectives of the National Planning Policy Framework (2019).

Conditions

Time limits

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

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

Reserved matters

Application for approval of the scale, layout, appearance and landscaping of the development, access and parking and turning arrangements referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans drawings numbered 4393/19 (preliminary site plan) and 4398/19 (Illustrative site plan).

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

Charging point

Prior to first occupation of the dwelling hereby permitted, an electric charging point (of a minimum 16amps) for electric vehicles shall be provided adjacent to the parking spaces or within any garages in association with the development. 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.

Bats

To avoid impacts on bats and their roosts any buildings and trees to be removed will be undertaken when summer roosting bats, associated with the Nissan hut and trees containing a thick covering of ivy, are less likely to be present: 1st November - 31st March.

In the (unlikely) event that a bat is discovered during the course tree felling and building demolition works, works must cease immediately and not recommence until an appropriate strategy has been agreed with the appointed ecologist; and if required, an application made to Natural England for a bat licence. Bats should not be handled or removed in any way unless by a licenced bat worker or ecologist.

Reason: All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservations Status as defined under Article 1 of the Habitats Directive 1992

Birds

The commencement of works shall not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings to be demolished, and vegetation comprised of trees, shrubs, scrub and ruderal vegetation 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: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

Reptiles

Any vegetation above 10cm that is to be cleared as part of the proposal will initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. Once cut vegetation, including existing short vegetation should be maintained at a height of less than 10cm for the duration of the construction period. The rock pile on the eastern boundary should be dismantled by hand by a competent ecologist to allow any sheltering reptiles to naturally disperse. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: Reptile species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

Biodiversity and protected species net gain

As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF), please apply the following conditions to any planning permission granted, to be captured within a Biodiversity Mitigation and Enhancement Plan (BMEP) to be submitted to the LPA:

1 x Build-in WoodStone Bat Box (<https://www.nhbs.com/build-in-woodstone-bat-box>), or similar, to be installed on the southern and/or western elevation of the new building, at a height of over 3m.

Installation of 2 X standard bird nest box, purchased or built, on to a mature tree on site, facing north or east, at a height above 3m.

Installation of 1 x RSPB artificial house martin nesting cups (<https://shopping.rspb.org.uk/garden-bird-nest-boxes/house-martin-terracotta-nest-box.html?ClickType=Image&ListType=&ListName=&Position=19>) will be erected onto the external wall surface under the eaves on the north or east elevation on the new dwelling

1 x integrated bee bricks (<https://www.nhbs.com/bee-brick>) must be built into the external wall space of the new building. The brick will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes. Solitary bees are harmless and do not sting.

All new shrubs must be 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" provides a list of suitable plants both native and non-native.

Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; ; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the authorities obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'

Planting

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.

Noise condition

Before the development commences, a report shall be submitted to the Local Planning Authority for written approval detailing how the residential elements shall be designed and constructed with the aim that habitable rooms comply with the standards set out in BS8233.

Activity	Location	07:00 to 23:00
Resting	Living Room	35 dB LAeq, 16 hour
Dining	Dining room/area	40 dB LAeq, 16 hour
Sleeping (daytime resting)	Bedroom	35 dB LAeq, 16 hour

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

Ventilation

A scheme of ventilation shall be designed that allows whole-house ventilation without the necessity to open windows on the southern aspect of the proposed property. Intakes for the ventilation system should be on the northern side of the property.

Reason: In order to mitigate the effect of noise, flies, dust and odour on residents of the new property in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

Construction times

The demolition of the existing pig pens, site clearance and construction of the new premises all have the potential to impact on the residential properties directly opposite. Therefore:

Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

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

Burning

There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.

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

Informatives

ROW

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Contamination

As a former agricultural premises there is potential for contamination from the storage of fuels, and pesticides. Therefore it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF s.178: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

MOD – Bird strike

As this is an outline application and in light of the development falling within the above Statutory Safeguarding Zones, precise detail will be required at Full Planning/Reserve Matters stages relating to the elevations of the dwelling house and Garage and specific detail regarding the landscaping scheme in order to carry out the required assessment

(voting: unanimous)

132. Date of Next Meeting (Agenda Item 6)

Members noted the date of the next meeting.

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Chairman

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Date