

Meeting AN 07M 13/14
Date 23.10.13

South Somerset District Council

Draft Minutes of a meeting of the **Area North Committee** held in the Council Chamber, Council Offices, Brympton Way, Yeovil on **Wednesday 23 October 2013**.

(1.30pm – 5.40pm)

Present:

Members: Shane Pledger (in the Chair)

Pauline Clarke	David Norris	Sue Steele
Graham Middleton	Patrick Palmer (to 4.50pm)	Paul Thompson
Roy Mills (to 4.10pm)	Jo Roundell Greene	Barry Walker
Terry Mounter	Sylvia Seal	Derek Yeomans

Officers:

Charlotte Jones	Area Development Manager (North)
Sara Kelly	Neighbourhood Development Officer (North)
Nicholas Head	Planning Officer
Dominic Heath-Coleman	Planning Officer
Greg Venn	Conservation Officer
Linda Hayden	Planning Officer
Adrian Noon	Area Lead (North/East)
David Norris	Development Manager
Angela Watson	Legal Services Manager
Ian Clarke	Assistant Director (Legal & Corporate Services)
Becky Sanders	Democratic Services Officer

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

73. Minutes (Agenda item 1)

Councillor Sue Steele requested an amendment to minute 66 to indicate that her comment referred to the governors and not board members as indicated in the draft minutes.

Members were content that the minutes of the meeting held on 25 September 2013, copies of which had been circulated, be approved and signed as a correct record, subject to the amendment being made to minute 66.

74. Apologies for Absence (Agenda item 2)

All committee members were present.

75. Declarations of Interest (Agenda item 3)

Councillor Patrick Palmer declared a prejudicial interest in planning application 13/02474/OUT as his farming business has a contract with the landowner. He confirmed that he would leave the meeting for the presentation and consideration of the item.

76. Date of Next Meeting (Agenda item 4)

Members noted that the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 27 November 2013 at the Village Hall, Chilthorne Domer. It was noted the venue might change.

77. Public Question Time (Agenda item 5)

There were no questions from members of the public.

78. Chairman's Announcements (Agenda item 6)

The Chairman reminded members about the Area North Annual Town and parish Meeting taking place the following evening. In response several members tendered their apologies.

79. Reports from Members (Agenda item 7)

Councillor Patrick Palmer, updated members that since his report last month, dredging had commenced at the confluence of the rivers Parrett and Tone about two weeks previously. In response to comments made, he would find out further specific details about the length to be dredged.

Councillor Pauline Clarke, updated members that Somerton Town Council had recently indicated that they would consider giving further funding support of up to £5000 to Roundabout Pre-school in the next financial year, if additional funds were still being sought at that time.

80. Community Grant to Robert Sewers Village Hall, Curry Rivel (Executive Decision) (Agenda item 8)

The Neighbourhood Development Officer introduced the application as detailed in the agenda report. She noted that the report referred to a recent access review carried out by the South Somerset Disability Forum (SSDF), and the village hall committee would use the results to make any detailed adjustments to their current plans. She updated members that although the final SSDF report was still awaited, the SSDF had been in contact since the agenda was published to highlight that the existing disabled toilet in the hall was not fully compliant with current legislation. It was therefore recommended that the grant application was recommended for approval as detailed in the agenda report but with two additional conditions:

- (a) Completion of the extension should reflect the recommendations of the recent access review.

- (b) The village hall management committee to work with the Neighbourhood Development Officer (SSDC) to continue to improve accessibility for users of the hall, based on the recommendations of the recent access review.

The ward member and several other members spoke in support of the project. At the conclusion of the debate, members were unanimous in their support to award £8,000 towards the cost of an extension to the entrance lobby at the Robert Sewers Hall.

RESOLVED: That a grant of £8,000 be awarded to the Robert Sewers Village Hall in Curry Rivel, towards the cost of an extension to the entrance lobby, to be allocated from the Area North capital programme (Local Priority Schemes), subject to the SSDC standard conditions for Community Grants as detailed in Appendix A to the agenda report, plus the following two additional conditions:

- (a) Completion of the extension should reflect the recommendations of the recent access review.
- (b) The village hall management committee to work with the Neighbourhood Development Officer (SSDC) to continue to improve accessibility for users of the hall, based on the recommendations of the recent access review.

Reason: To facilitate the construction of an extension to the entrance lobby at the Robert Sewers Village Hall in Curry Rivel.

(Voting: Unanimous in favour)

*Sara Kelly, Neighbourhood Development Officer
sara.kelly@southsomerset.gov.uk or (01935) 462249*

81. Area North Committee – Forward Plan (Agenda item 9)

The Area Development Manager (North) commented that the Forward Plan would be adapted as necessary if multiple planning applications were due to be considered at a meeting. There were no updates to the current plan..

RESOLVED: That the Area North Forward Plan be noted.

*Becky Sanders, Committee Administrator
becky.sanders@southsomerset.gov.uk or (01935) 462596*

82. Planning Appeals (Agenda item 10)

Members noted that there were no current planning appeals that were lodged, dismissed or allowed.

RESOLVED: That the report be noted.

*David Norris, Development Manager
david.norris@southsomerset.gov.uk or (01935) 462382*

83. Planning Applications (Agenda item 11)

Planning application: 13/03285/FUL – Alterations and the change of use of an existing farm shop to a single three bedroom dwelling at Lower Farm, West Lambrook, South Petherton. Applicant: Mr R Dyer.

(Applications 13/02925/FUL and 13/03286/LBC were presented together)

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the report. It was noted that similar applications for the same site had been considered twice before. Both had been refused due to the locality of the building to the farm, but no appeals had been made. The principle issue and only reason for refusal was impact of the adjacent farm on the amenity of future occupants of the building.

Mr M Williams, agent, noted the farm was only 45 acres with few vehicle movements and no livestock. He made reference to the NPPF and commented that the applicant was willing to accept conditions regarding access and no livestock. He considered the proposal to be not uncommon in the countryside and urged approval of the applications.

Ward member, Councillor Derek Yeomans, commented that highway visibility was good at the site, there was no development limit and the log business at the site was closing down. He felt there was no reason to object to the application and recommended approval.

During discussion varying views were expressed including:

- If buying a barn on a farm, occupiers would have to expect some farm related activity.
- There have been instances where dwellings have been situated next to farms and there have been issues.
- There may not be issues or complaints now but there could be in the future
- Similar proposal has been refused twice before
- The barn was integral to the farm
- If barn was tied there was unlikely to be a problem

In response to comments made during the discussion, the Area Lead (North/East) clarified that:

- The rear wall of the building backed right on to what could have agricultural activity.
- Preventing use of the farm for livestock in the future could only be enforced if the applicant was willing to sign an agreement.

The Legal Services Manager advised that members were obliged to take into account previous refusals unless anything was materially different with this application. Regarding use, the future amenity and use of the adjacent farm had to be considered.

It was proposed and seconded to refuse the application as per the officer recommendation, and on being put to the vote, was carried 9 in favour, 4 against.

RESOLVED: That planning application 13/03285/FUL be REFUSED, as per the officer recommendation, for the following reason:

01. The creation of a dwelling immediately adjacent to a working farm

will have an adverse impact upon the amenity of future occupiers in terms of noise and odour and is likely to impact upon the way in which the farm operates. The proposal is therefore contrary to policy ST6 of the South Somerset Local Plan and NPPF (para. 17).

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

(Voting: 9 in favour, 4 against)

Planning application: 13/03286/LBC – Alterations and the change of use of an existing farm shop to a single three bedroom dwelling at Lower Farm, West Lambrook, South Petherton. Applicant: Mr R Dyer.

This application was discussed in conjunction with the previous application 13/03285/FUL and comments made on that application also refer to this application.

The Planning Officer clarified that the recommendation for refusal was due to the non-justification for approval of the full application 1303285/FUL.

It was proposed and seconded to refuse listed building consent, as per the officer recommendation, and on being put to the vote was carried 9 in favour, 3 against, 1 abstention.

RESOLVED: That the application for listed building consent 13/03286/LBC be REFUSED, as per the officer recommendation, for the following reason:

01. The alterations that are required in support of a residential change of use do not preserve the character and setting of the listed building(s) without the prospect of an accompanying planning permission further to policy EH3 of the South Somerset Local Plan and the NPPF.

(Voting: 9 in favour, 3 against, 1 abstention)

Planning application: 13/03472/FUL – Erection of replacement rear extension to provide new kitchen, WCs, roof terrace and emergency access from 1st floor, together with provision of 37 parking spaces at the Lamb & Lion Public House, The Green Hambridge. Applicant: Mr C Aplin.

(Applications 13/03472/FUL and 13/03473/LBC were presented together)

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the report, and made reference to the comments of the Conservation Officer. The benefits of the proposal were not considered to outweigh the harm to the heritage asset and therefore the officer recommendation was for refusal.

Mr M Williams, agent, commented it was unusual in the current climate to be considering the re-opening of a pub. The premises had been closed for 18 months, and had previously struggled to be viable. There was currently restricted internal space and unsightly structures to the rear, which he noted officers did not object to the demolition of. The proposal included a balcony which would allow more covers and improve viability. He commented that the applicant was willing to accept conditions regarding the balustrade and parasols etc.

Ward member, Councillor Sue Steele, commented that the pub was a much missed facility locally, and there was local support for it to be re-opened. She supported the application.

During discussion most members expressed their support for the application with comments including:

- re-opening the pub was to be supported, and it was a well needed facility
- commend efforts to make better use of the flat roof area
- the proposed changes would not be seen from the road

In response to comments made, the Area Lead (North/East) commented that if it was just a flat roof that was being considered there would be concerns, but it was acknowledged that it would facilitate optimal viability. He commented that if members felt the benefits would outweigh any harm, and were minded to approve the application, there would need to be conditions. He also advised that it would need to be made clear that no permission would be given for any canopies as part of this application. Any canopies attached to the building would require additional consent under a new application.

As members were minded to approve the application, the Area Lead (North/East) suggested that wording for the justification could include reference to the proposed alterations to the listed building and rearrangement of the parking area facilitating the viable use of the public house and not being detrimental to its special architectural and historic qualities. As such the proposal complies with policy and the NPPF. He advised there should be conditions for:

- time limit
- materials – to include external doors and windows to new extension, external materials, railing details and schedule of internal works
- detail of external lighting
- approved plans

It was proposed and seconded to approve the application, contrary to the officer recommendation, for the reason and subject to the conditions as suggested by the Area

Lead (North/East). When put to the vote the proposal was carried 12 in favour and 1 against.

RESOLVED: That planning application 13/03472/FUL be APPROVED, contrary to the officer recommendation, subject to the following conditions:

Justification:

The proposed alterations to this listed building and rearrangement of the parking area would facilitate the viable use of this listed public house and would not be detrimental to its special architectural and historic qualities, the character of the locality or highways safety. As such the proposal complies with saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan and the policies contained with the National Planning Policy Framework.

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: 6315-04, 6315-05, 6315-06, 6315-07 received 23 August 2013.

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

03. No work shall be carried out on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- 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;
- details of the roof terrace railing
- a schedule of all internal works, including: internal wall, floor and ceiling surfaces, and a specification of internal doors.

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

Reason: To safeguard the character and appearance of the area and the character of the listed building in accordance with saved policies EH3, ST5 and ST6 of the South Somerset Local Plan.

04. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the extension hereby approved is occupied. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development in accordance with Policies EH3 and EC3 of the South Somerset Local Plan.

(Voting: 12 in favour, 1 against,)

Planning application: 13/03473/LBC – Erection of replacement rear extension to provide new kitchen, WCs, roof terrace and emergency access from 1st floor, together with provision of 37 parking spaces at the Lamb & Lion Public House, The Green Hambridge. Applicant: Mr C Aplin.

This application was discussed in conjunction with the previous application 13/03472/FUL and comments made on that application also refer to this application.

The Area Lead (North/East) clarified that the wording for the reason and conditions would be very similar to those for the full application.

It was proposed and seconded to approve the application, contrary to the officer recommendation, for the reason and subject to the conditions as suggested by the Area Lead (North/East). When put to the vote the proposal was carried 12 in favour and 1 against.

RESOLVED: That the application for listed building consent 13/03473/LBC be APPROVED, contrary to the officer recommendation, subject to the following conditions:

Justification:

The proposed alterations to this listed building and rearrangement of the parking area would facilitate the viable use of this listed public house and would not be detrimental to its special architectural and historic qualities. As such the proposal complies with saved policy EH3 of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

Subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 6315-04, 6315-05, 6315-06, 6315-07 received 23 August 2013.

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

03. No work shall be carried out on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- 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;

- details of the roof terrace railing
- a schedule of all internal works, including: internal wall, floor and ceiling surfaces, and a specification of internal doors.

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

Reason: To safeguard the character and appearance of the area and the character of the listed building in accordance with saved policies EH3, ST5 and ST6 of the South Somerset Local Plan.

(Voting: 12 in favour, 1 abstention)

Prior to the following three applications being presented, the Area Lead (North/East) provided an update on the Council's lack of a 5 year land supply which was relevant to the applications to be considered. He explained that South Somerset, along with many other local authorities, did not currently have a 5 year land supply. As a result, it was not considered possible to resist appropriate development, on the edge of settlements that were considered to be sustainable, just because a site was outside of the current development boundary. In line with the National Planning Policy Framework (NPPF), and given that the adopted Local Plan policy on housing supply is out-of-date, such development should be approved unless it would result in significant adverse impacts. He confirmed that both Martock and South Petherton had been allocated development in the emerging Local Plan, on the basis of the services and facilities that exist. He noted that SSDC's current position was being re-assessed and a statement should be published by the end of December.

Planning application: 13/02239/FUL – the erection of 49 No. dwellings (including 17 No. affordable homes), new vehicular access, public open space and associated works on land Os 7715 and 8129 (part) Hospital Lane, South Petherton. Applicant: Persimmon Homes (South West) Ltd

This application was considered at the September meeting of Area North Committee where it was deferred to enable additional information to be sought from the County Education Department and the County Highway Authority.

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the report, including the additional information sought from the County Education Department and Highway Authority. She updated members that a further letter of objection had been received. She advised members that since the agenda had been published, further issues regarding drainage and surface water disposal had been raised and therefore an amendment to condition 4 was recommended to require any off-site drainage improvement works to be carried out prior to commencement unless otherwise agreed in writing. She clarified that SCC Rights of Way had requested that the Public Right of Way (PROW) be separated from the road and had confirmed that subject to agreement about margins, bollards at the Pitway junction and dedication of the PROW as a bridle path that they had no objections. It was noted that the site was adjacent to the development area and was considered to be sustainable and within walking distance of village amenities.

It was confirmed that the Highway Authority had no objection to the proposal and no off-site improvements were considered necessary. Local concerns were acknowledged but they were not supported by the Highway Authority. The County Education Department had re-confirmed the spaces required for junior school aged children, and confirmed that the it was considered the infant and secondary schools had capacity.

The Committee were then addressed by Ms S Beaufoy, representing South Petherton Parish Council, County Councillor Le Hardy, Mr P Kidner (representing the Ramblers and Open Spaces Society), Ms J Woodruffe-Peacock and Mr T Woodruffe-Peacock. Their comments of objection included:

- The parish council recently conducted a survey around 37 of the existing Persimmon homes which had indicated 51 children were living there. It was felt the estimates for school places quoted in the report were incorrect.
- Departure from policy is unacceptable and March 2012 data quoted in the report is out of date.
- South Petherton had seen approvals for a large number of houses over the past year.
- Many residents were concerned about the number of houses, density, education figures and infrastructure.
- Concerns locally if the roads and footways could cope with additional traffic.
- Reference was made to the travel plan for the hospital and pedestrian access, parts of this proposal would negate some of the work done previously.
- Proposal is overdevelopment and would extinguish footpaths.
- There were currently around 70 properties for sale or rent in the area, South Petherton did not need additional housing.
- Little work available locally
- Current road network at the top of the existing Persimmon development was inadequate for current traffic, let alone additional vehicles.
- Residents of South Petherton had demonstrated their objection to the development.

Ms C Knee, agent, referred to the NPPF and commented that the lack of a 5 year land supply was highly relevant. The officer report was clear that the proposal would contribute to SSDC's housing needs without detriment. The County Education Department had clarified that most schools had capacity but an additional requirement for junior place only. She highlighted that no statutory consultees had raised objections.

Ward member, Councillor Barry Walker, made reference to the 5 year land supply and the resubmission of the Local Plan. He commented that he still had reservations about the number of junior school places required as the figures appeared too low. He noted locally there were a number of highways concerns.

The Area Lead (North/East) cautioned against overriding county figures regarding education.

Ward member, Councillor Paul Thompson, commented that the parish needed more affordable housing, and that the element associated with this proposal would be for South Somerset and not necessarily just for South Petherton. He also raised concerns about vehicles ignoring the bollards at the end of Lightgate Lane and the problems locally with drainage. He did not support the application.

Members discussed the 5 year land supply issue at length. The Area Lead (North/East) answered questions raised by members and noted that granting permissions for developments was not a guarantee they would be built. Only the sites coming forward for actual build would count towards the land supply.

Varying views were expressed during discussion including:

- Must consider NPPF in absence of a Local Plan
- Feel it's a 'crammed in' urban style in a rural development.
- Still concerns about the figures for education provision
- Need to keep young families in the local area
- Need reassurance that the social housing element will be pepper-potted across the development, and that the footpath will be retained and separated from the roads.
- Difficult to find planning reasons to refuse the application, felt no option but to approve
- The parish council were to be commended for undertaking their own research
- South Petherton had many facilities and the proposal was sustainable
- Emerging Local Plan has allocation for housing in South Petherton
- Policy guidelines had to be followed regardless of members and the public not liking the proposal.

In response to a member suggestion that a reason for refusal could be that in a few months time SSDC would have a 5 year land supply, the Area Lead (North/East) commented that lack of a 5 year land supply was not a justified reason to defer or refuse the application. He noted that the land supply issue was a material consideration, and the LPA did not consider the number of dwellings proposed was out of kilter with South Petherton. He reminded Committee that with, or without, a 5 year land supply members needed to consider if there would be so much harm as to warrant refusal of the application.

The Legal Services Manager advised members that, in the absence of any objections from statutory consultees and no other fundamental reason to refuse the application, it would be difficult to substantiate any reasons for refusal at appeal, and the Council may be at risk of an award of costs against it. She indicated that if members wanted to use this as a test case, then it could be referred to Regulation Committee.

Members did not wish for the application to be referred to Regulation Committee. It was proposed and seconded to accept the officer recommendation to approve the application, as detailed in the agenda report, subject to condition 4 being amended to incorporate the off-site drainage works as detailed by the Planning Officer. On being put to the vote, the proposal was carried 6 in favour, 3 against and 4 abstentions. Councillor Terry Mounter requested that his dissent be recorded.

RESOLVED: That planning application 13/02239/FUL be APPROVED, as per the officer recommendation, subject to an amendment to condition 4 to require any off-site drainage improvements works to be carried out prior to commencement unless agreed otherwise in writing. (*For clarity the wording of the amended condition 4 is detailed below*) and subject to the following:

- 1) 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 secure the following;

- a) The agreed contribution to off-site play provision (to the satisfaction of the Local Planning Authority):-
 - £96,012.83 to be used for local facilities.
 - £ 56,927.62 to be used for strategic facilities.
 - £ 38,941.19 as a commuted sum towards local services.
 - £1,918.82 as the Community, Health and Leisure Service administration fee;
- b) To ensure that 17 of the residential units are affordable and remain available long term to satisfy local need as set out by policy HG9 of the South Somerset Local Plan (to the satisfaction of the Local Planning Authority);
- c) Contribution towards education of £73,542 to provide an additional six junior school places.
- d) An appropriate Travel Plan
- e) Improvements to and re-designation of Rights of Way
- f) S106 Monitoring fee based on 20% of the planning fee paid.

and;

2) The following conditions:

Justification

Notwithstanding the local concerns, the provision of forty-nine houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety or visual amenity. As such the scheme is considered to comply with saved policies ST3, ST5, ST6, ST7, ST10, EC3, EC8, EU4, TP1, TP2, TP4, CR2, CR3, CR4 and HG7 of the South Somerset Local Plan 2006 and the aims and objectives of the NPPF.

1. 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.

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

- 4720A-P-S1; 1443-P-S2; 1504-P-S3; 0893-P-S1; 0950-P-S1; 0950-PS2; 0950-P-S31332-P-S2; 1443-P-S1, 1443-P-S3; 1504-P-S1; 2420-P-S1; 2420-P-S2; 3520-P-S1; 0600-P-S2; 0639-P-S1; and A079289[C]drg01 received June 2013.

- G-D-S1; G-S-S1; G-D-S3; 1760-P-S1; and A079289[D]drg08 received 10 July 2013.

- A079289_PS_A_04; A079289_PS_A_01; A079289_PS_A_03;

and A079289_PS_A_02 received 10 July 2013

- A079289[D]drgD06 rev F; A079289[D]drgD07 rev D; 1210-PA-S1; L.01 rev F; and L.02 rev E received 13 September 2013.

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

3. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
 - a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. panels of brickwork and stonework shall be provided on site for inspection;
 - c. 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;
 - d. particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
 - e. details of meter cupboards and gas boxes;
 - f. internal floor levels of the buildings

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

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

4. Before the development hereby permitted is a commenced, foul and surface water drainage detail to serve the development, shall be submitted to and approved in writing by the Local Planning Authority. Once approved no development, other than site clearance and any investigation works that are required, shall be carried out until such time as any off-site works have been fully completed.

Thereafter all on site drainage works shall be completed and become fully operational before the part of the site to which they relate is first brought into use or occupied. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure satisfactory drainage at the site.

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

Reason: To ensure adequate adoption and maintenance and

therefore better working and longer lifetime of surface water drainage schemes

6. 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:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) 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.
 - 4) 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 (3) 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: To protect controlled waters.

7. 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: To protect controlled waters.

8. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping (Drawing No.'s L.01 Rev D and L.02 Rev C received 1 August 2013) shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and

any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with Policy ST6 of the South Somerset Local Plan (2006).

9. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practicable completion of the approved development shall be replaced as soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

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

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

11. The proposed estate roads, raised table, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason:- In the interests of visual amenity and highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

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

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

13. The areas allocated for parking and turning on the submitted layout plan, 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.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

14. Prior to the commencement of the development hereby approved details of the means restricting vehicular traffic between the site and Pitway shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented to the commencement of development.

Reason:- In the interests of highway safety and residential amenity in accordance with policies ST6 and ST5 of the South Somerset Local Plan (2006).

15. The development hereby permitted shall not commence until 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, pollution prevention measures and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (2006).

16. Prior to the commencement of the development hereby approved details of the phasing and timetable for the provision of all footpaths and cycleways shall be submitted to and approved in writing by the local planning authority. Once approved such time and delivery shall be adhered to unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to ensure appropriate provision of cycle access within the site in accordance with Policy TP4 of the South Somerset Local Plan (2006).

17. Demolition or construction works or deliveries to the site shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

Informatives:

1. The applicants attention is drawn to the informatives and notes contained within the Highways Authority's letter of 12 August 2013 a copy of which is available on the Council's web-site.
2. The applicants attention is drawn to the informatives and notes contained within the Environment Agency's letter of 12 July 2013.
3. As noted in the Extended Phase 1 Habitat Survey Report (20 May 2013), site clearance workers should be made aware of the low potential for finding protected species such as reptiles, amphibians, hedgehogs or dormice during site clearance works. If any such species are found, works should cease while an ecologist is contacted for advice.
4. 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.

(Voting: 6 in favour, 3 against and 4 abstentions)

Planning application: 13/01500/OUT – Outline application for residential development for 35 dwellings on land off Lyndhurst Grove, Martock. Applicant: Mr R Frankpitt.

This application was considered at the September meeting of Area North Committee where it was deferred to enable further information to be sought in relation to:

- Potential impact on Unwins
- Density of development compared to other developments
- Highways improvements that may be required
- Sewerage disposal
- Waste collection

The Area Lead (North/East) with the aid of slides and photographs summarised the details of the application and referred to the additional information that had been sought, which was detailed in the agenda report. The objectors agent disputed the comments made by the LPA, as shown at the bottom of page 64 in the agenda, as they considered there would be a noise impact. The Area Lead (North/East) confirmed that to date, Environmental Protection had not received any complaints from residents about the crash test facility. He also referred to another application for two houses adjacent to the Unwins site which had not generated any objections from the company.

Mr R Powell, representing Martock Parish Council, made reference to their Sustainable Development Plan and commented that many residents commuted out of the village. He also noted that the two Martock applications under consideration at the meeting would facilitate far more housing than under discussion in the emerging Local Plan. He expressed sympathy with Unwins, a major local employer, as the proposal would prevent any expansion.

Mr S Travers, objector, representing Unwins Safety Systems, commented that the location could be at detriment of residential amenity, and noted that guidance suggested consideration had to be given to existing commercial businesses. He commented that there were no restrictions on operating hours for the company, and by definition in the NPPF, this was not a sustainable location for the proposal.

Mr G Bowland, noise consultant for the applicant, commented that noise levels at Unwins were generally low, but acknowledged noise complaints could arise if the noise mitigation measures proposed were not adhered to. He noted that other houses were closer to the crash test facility than those proposed in this application.

Mr A Preston, agent, noted that the noise mitigation proposed exceeded that required by Environmental Health, and that Unwins had not approached the applicant about buying the site. He commented that the proposed density was lower than surrounding developments in Martock, and it was significant that the parish council supported the application.

Ward member, Councillor Graham Middleton, commented that the additional information requested at the last meeting had been provided and it was difficult to find a reason to refuse. However he still had concerns about the potential for noise complaints and the future of Unwins.

Ward member, Councillor Patrick Palmer, commented that members had done the right thing in asking for more information about noise impact, but reminded members that the application couldn't be refused on the grounds that Unwins may expand in the future.

During a discussion, comments raised included:

- No reason to refuse
- Sustainable location and proposal has the support of the parish council
- Unwins would have had opportunity to enquire about purchasing the site
- Only outline permission, there should not be an increase in the number of dwellings proposed

The Area Lead (North/East) clarified that members could request an additional condition to limit the number of dwellings to no more than 35.

It was proposed and seconded to approve the application, as per the officer recommendation, subject to an additional condition to limit development to no more than 35 dwellings. On being put to the vote, the proposal was carried 11 in favour, 1 against.

RESOLVED: That planning application 13/01500/OUT be APPROVED, as per the officer recommendation, subject to an additional condition to limit development to 35 dwellings, and subject to the following:

- 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:-
 - 1) Ensure that 12 of the residential units are affordable and remain so in perpetuity to the satisfaction of the Corporate Strategic Housing Manager
 - 2) Provide for a contribution of £171,565.30 (or £4,901.87 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 3) Provide for Travel Planning measures to the satisfaction of the County Highway Authority with the agreement of the development Manager and fully implemented in accordance with the agreed details.
 - 4) Provide for a S106 monitoring based on 20% of the outline planning application fee.
- b) The following conditions:

Justification

Notwithstanding the local concerns, the provision of 35 houses and community facilities in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, or visual amenity. The appropriate mitigation has been put forwards to address concerns about flood risk and future occupiers would not be placed at undue risk, nor would there be an increased risk of flooding elsewhere as a result of the proposed development. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

Conditions

01. Details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to

the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin 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. Prior to the commencement of the development hereby approved details of an acoustic barrier along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved such barrier shall be fully erected prior to the occupation of the dwellings and shall be maintained and not altered at all times thereafter without the prior permission of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan

04. No dwelling shall be sited within 20m of the acoustic barrier referred to in condition 3.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan

05. Prior to the commencement of the development hereby approved, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall ensure that noise from nearby sources will not cause detriment to amenity or a nuisance, to the proposed development. Once approved such scheme shall be fully implemented prior to the occupation of the dwellings. Subsequently the scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan

06. No development shall commence until a surface water drainage scheme for the site, in accordance with the submitted Flood Risk Assessment By Sands Ltd (reference 13.06.180 dated June 2013), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

07. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been

submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

08. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason:- In the interests of visual amenity and highway safety and to accord with saved Policy ST5 of the South Somerset Local Plan.

09. 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 and to accord with Policy ST5 of the South Somerset Local Plan (2006).

10. No dwelling hereby approved shall be occupied until a continuous footway link has been provided between Lyndhurst grove and North Street in accordance with design and specification to be agreed in writing by local planning authority.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

11. The site hereby approved for development shall be as shown on the submitted location plan 2023-PL-01 received 16 April 2013.

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

Additional condition:

12. The development hereby approved shall comprise no more than 35 dwellings.

Reason: To ensure that the level of development is compatible with the locality in accordance with saved policies ST5 and ST6

of the South Somerset Local Plan.

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. You are reminded of the comments of the Council's Climate Change Officer dated 02/05/13 which is available on the council's web-site.
03. You are reminded of the need to obtain a right to discharge any surface water into the highway drainage system.
04. You are reminded of the contents of the Environment Agency's letter of 24/07/13 which is available on the council's web-site.
05. You are reminded of the need to minimise the risk of harm to badgers that may pass through the site as recommended by paragraph 6.4.1 of the submitted Ecological assessment.
06. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or even actual remains from the past industrial use, are found in the soil at any time when carrying out the approved development you should contact the Local Planning Authority to discuss any remediation is deemed necessary.

(Voting: 11 in favour, 1 against)

(Councillor Patrick Palmer having declared a prejudicial interest, left the room for the presentation and consideration of 13/02474/OUT)

Planning application: 13/02474/OUT – Outline application for the development of up to 95 dwellings with associated access and landscaping at land south of Coat Road, Martock (access determined with all other detailed matters reserved). Applicant: David Wilson Homes, South West.

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the agenda report. He updated members that the applicant had made further representation which was detailed on the website and that further objections had been received raising varying issues including:

- concerns about traffic and asking members to consider a site visit
- the land had been purposely omitted from the last Local Plan
- what would happen to electricity pylons and sub-stations
- dispute ecology and highway comments in the report
- loss of views and reduction of house values

The LPA considered that the proposal was commensurate with the development of growth in the emerging Local Plan. It was highlighted that only access, landscaping and the principle of development was being considered at this stage.

The Committee were then addressed by Mr R Powell, representing Martock Parish Council, Mr T Egan and Mr I Lewis in objection to the application. Their comments included:

- this was a worse location for travel movements than the Lyndhurst application and it was astounding that the Highway Authority had not raised any objections
- the proposal now under consideration was in excess of housing figures and against policy in the emerging Local Plan
- Aware of other sites likely to come forward for housing in the future
- The Martock Sustainable Development Plan had already assessed requirements for the village
- The application, by definition, was against emerging policies and the NPPF
- The committee should represent opinions of local residents and refuse the application.
- The site was split by a deep dyke, and an existing attenuation tank seemed to have been neglected and was near to overflowing last year. Concern that safety of attenuation measures for this proposal had been fully considered.

Mr C Flanagan, agent, commented that the proposed density reflected the local area and proposals for three-storey elements had been dropped following concerns of officers. He highlighted that there were no objections from statutory consultees. Comments of the parish council had been addressed where possible and the applicants had gone beyond the scope required by the Highways Authority and also looked at the impact on Ash.

In response to a member query, the Area Lead (North/East) clarified that:

- In the emerging Local Plan, over the entire plan period, the figure for future housing in Martock was at least 230 houses and as at April 2012, 106 had been delivered. The quantity was considered to be deliverable in the Infrastructure Delivery Plan. Members needed to consider if an additional 30 to 40 houses would have demonstrable harm on infrastructure.
- With regard to the extant permission for the Tesco site, the Highway Authority had required small footway improvements for pedestrian access to the store, but nothing that was related to highway access to the application under consideration.

Ward member, Councillor Graham Middleton, commented that the application had not received support from the parish council or local residents. The site was deemed sustainable even though many village facilities were over a kilometre away. He felt if the application was approved their needed to be conditions to connect footways.

During discussion, varying comments were raised including:

- Wessex Water have commented there are capacity issues, need assurance that requirements would be agreed before development starts
- Surprising that that the Highway Authority had not raised objections
- There are issues with sustainability based upon scale
- Martock has many facilities and is a thriving community
- Difficult to find a planning reason to refuse
- Uncomfortable so many houses
- Many parked cars in Martock and difficult to drive through village with no issues
- Calculations for education places seemed to differ from those for the South Petherton application
- Concern about safety measures with the dyke and attenuation tanks given comments raised by an objector

- Ash has recently had traffic calming measures installed
- Martock was classed as a rural centre but was more like a market town with industrial land. Employees needed housing.

In response to comments raised, the Area Lead (North/East) responded:

- The Highway Authority understood local concerns but difficult to justify a refusal.
- There was nothing to stop further development coming forward, and future applications would need to individually consider if the infrastructure could cope.
- Wessex Water were duty bound to provide services to new developments.
- There was a need to be consistent but also to consider the cumulative impact of recent applications. Officers had been anxious to raise issues with the Highway Authority, but they had still not raised any objections.
- Acknowledge comments raised about the previous attenuation scheme, however the current proposed scheme was likely to fall under new regulations whereby future management would become the responsibility of Somerset County Council. Full details of the attenuation scheme would be considered at the Reserved Matters stage.
- The Highway Authority had not requested pavements to be connected along the south side of Coat Road, and the strip of land was not part of the application site.

The Legal Services Manager, with regard to highway concerns, cautioned members to act consistently unless it could be fully justified otherwise and be clearly stated why this proposal was unacceptable.

It was reluctantly proposed to approve the application, as per the officer recommendation, and on being put to the vote was carried, 7 in favour and 4 against.

RESOLVED: That planning application 13/02474/OUT be approved, as per the officer recommendation, 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:-
 - 1) Secure a contribution of £3,531.20 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) The provision of play equipment and its on-going maintenance through a management company to the satisfaction of the Assistant Director (Wellbeing).
 - 3) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
 - 4) Provide for Travel Planning measures to the satisfaction of the County Highway Authority with the agreement of the development Manager and fully implemented in accordance with the agreed details.
 - 5) Secure a contribution of £232,883 towards primary school places and £36,771 towards pre-school places to the

satisfaction of Somerset County Council.

- 6) Provide for a S.106 monitoring fee based on 20% of the outline application fee.

b) The following conditions:

Justification

01. Notwithstanding the local concerns, the provision of up to 95 houses 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 the saved policies of the local plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The site hereby approved for development shall be as shown on the submitted location plan 12-076 202 Rev A received 18 June 2013.

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

02. Details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

03. 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.

04. No development shall commence until a foul, surface water including highways drainage, and land drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. Comparison of the pre and post development runoffs. Any outflow from the site must be limited to the existing rate, i.e. No increase in the rate &/or volume of run-off and preferably a reduction (in this case 2ls as highlighted within the FRA).
2. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. Car parks, landscaping) must be shown on a drawing.
4. Adoption and maintenance of the drainage system must be addressed and stated.
5. The applicant should seek written confirmation from the Local Authorities drainage engineers that the 'Drainage ditch' highlighted as the discharge point for surface water within the FRA (Doc Ref: 12116, Dated: June 2013), is able to safely convey the proposed volumes without increasing flood risk.
6. Provision of environmental enhancements for amphibians as recommended by paragraph 6.2.3 of the submitted Great Crested Newt Survey received 18 June 2013.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

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

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

06. No work shall commence on any dwelling until the new access as shown generally in accordance with drawing SK01 Rev A has been completed 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 (works covered by a suitable Legal Agreement eg S278 Agreement).

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

07. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the

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

Reason: To ensure that appropriate steps are taken to record and preserve any buried archaeology in accordance with the aims and provisions of the NPPF.

08. The residential component of development hereby approved shall comprise no more than 95 dwellings.

Reason: to ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

09. No development shall take place until a scheme for the provision and management of a 4 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained in perpetuity including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value.

10. As part of any reserved matters application a detailed landscape strategy, including a tree and hedge protection plan to BS5837, shall be submitted with the onsite landscape proposals.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

11. The development shall be carried out in accordance with the findings and recommendations of the Great Crested Newt Survey and the Ecological Survey received 18 June 2013.

Reason: In the interests of protecting local ecology in accordance with policy EC8 of the South Somerset Local Plan.

- 12. The development hereby permitted shall not be commenced until an updated report in relation to the badger sett, which shall include any further mitigation measures necessary, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting local ecology in accordance with policy EC8 of the South Somerset Local Plan.

- 13. 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 and in accordance with saved policy ST5 of the South Somerset Local Plan.

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. The presence of the badger sett on site should be subject to a further update survey and impact assessment, and mitigation proposal as appropriate to accompany any future reserved matters application.
- 03. You are reminded of the contents of the Parrett Drainage Board's letter of 12 July 2013 which is available on the council's web-site.
- 04. You are reminded of the contents of the Environment Agency's letter of 19 July 2013 which is available on the council's web-site.
- 05. You are reminded of the comments of the Council's Climate Change Officer dated 28 June 2013 which is available on the council's web-site.

(Voting: 7 in favour, 4 against)

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Chairman