

Meeting AN 09M 13/14  
Date 18.12.13

### **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 18 December 2013**.

(1.00pm – 4.50pm)

**Present:**

**Members:** Shane Pledger (in the Chair)

Pauline Clarke  
Graham Middleton  
Roy Mills  
Terry Mounter

David Norris  
Patrick Palmer  
Sylvia Seal

Sue Steele  
Paul Thompson  
Derek Yeomans

**Officers:**

Charlotte Jones  
Georgina Burton  
Alice Knight  
Lisa Davis  
Debbie Haines  
Vega Sturgess  
Donna Parham  
Adrian Noon  
Alex Skidmore  
Greg Venn  
David Norris  
Paula Goddard  
Becky Sanders

Area Development Manager (North)  
South Somerset Citizens Advice Bureau  
Third Sector, Partnerships & Projects Co-ordinator  
Community Office Support Manager  
Deputy Community Office Support Manager  
Strategic Director, Operations & Customer Focus  
Assistant Director, Finance & Corporate Services  
Area Lead North/East  
Planning Officer  
Conservation Officer  
Development Control Manager  
Senior Legal Executive  
Democratic Services Officer

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

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#### **101. Minutes (Agenda item 1)**

The minutes of the meeting held on 27 November 2013, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

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#### **102. Apologies for Absence (Agenda item 2)**

An apology for absence was received from Councillor Jo Roundell Greene.

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#### **103. Declarations of Interest (Agenda item 3)**

There were no declarations of interest.

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**104. Date of Next Meeting (Agenda item 4)**

Members noted that the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 29 January 2014 at the Village Hall, Norton Sub Hamdon.

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**105. Public Question Time (Agenda item 5)**

There were no questions from members of the public.

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**106. Chairman's Announcements (Agenda item 6)**

There were no Chairman's announcements.

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**107. Reports from Members (Agenda item 7)**

Councillor Patrick Palmer, updated members that since his report last month regarding river dredging, the Environment Agency (EA) had completed the dredging of four sites around the confluence of the rivers Parrett and Yeo. Dredging for a further nine sites was currently out to tender, and the EA were looking for innovative solutions as the sites would be more difficult. Engineering works to watercourse banks was being undertaken on Aller Moor and other locations to try to help the flooding situation across a wide area.

Councillor Sylvia Seal, informed members that Adam Burgan, Manager at the Octagon Theatre, had won a Theatre Manager of the Year award for the second consecutive year. Members congratulated Mr Burgan on his success.

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**108. Presentation by South Somerset Citizens Advice Bureau (SSCAB) (Agenda item 8)**

Mrs Georgina Burton, Chief Executive of South Somerset Citizens Advice Bureau, introduced herself and provided Members with a presentation on the work and future developments of the South Somerset CAB including:

- Aims and principles
- How and where they help
- Statistics about clients in Area North
- Advice services
- Facilitating crisis support on behalf of SCC
- Volunteers

In response to comments raised by members during discussion, Mrs Burton noted that SSCAB worked closely with Yarlington and she would discuss any issues arising from the changes in support to sheltered housing. She also commented that the SSCAB saw clients with issues regarding Council Tax, and it might be possible to review data in more detail to see if there were any trends specifically relating to changes in Council Tax benefits.

The Chairman thanked the Chief Executive of South Somerset Citizens Advice Bureau for her informative presentation.

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## 109. SSDC Community Office Service Update (Agenda item 9)

The Community Office Support Manager summarised the report as shown in the agenda, and highlighted key points relevant to Area North. She commented there had been little decrease in footfall as a result of the reduction in office hours, and thanked the team for their hard work.

During a short discussion members commented that it was an excellent and beneficial service that was offered to people in need, and it needed to be retained. In response to other comments made the Community Office Support Manager and Area Development Manager (North) noted that:

- The offices were seeing an increase in the number of welfare benefit queries
- The number of people visiting the offices in crisis was not specifically recorded but could be done for the future
- There was no dedicated public access computer at the Langport office; however the public were able to view a computer with the Community Adviser or access machines in the library. Research could be done to check if computers were readily available in the library.

Members congratulated the work of the team and thanked the officer for the informative report.

*Lisa Davis (Community Office Support Manager)*  
*lisa.davis@southsomerset.gov.uk or (01935) 462746*

## 110. Draft Asset Management Strategy (Agenda item 10)

The Portfolio Holder for Finance and Spatial Planning introduced the report as shown in the agenda which sought comments from members about the proposed Asset Management Strategy. A presentation was provided by the Assistant Director (Finance and Corporate Services) and Strategic Director (Operations and Customer Focus) which gave detail about:

- Breakdown of the asset portfolio by type
- Developing the strategy, the content and background
- Examples of recent projects and successes

During discussion, the directors and Portfolio Holder answered questions raised by members about capital repayments and the park and ride scheme in Taunton. In response to other comments raised they also clarified that:

- Further opportunities for accommodation savings were being looked at
- Much capital was committed to car parks and there were various arrangements in place including ownership, sharing, partnerships and parish councils. It was difficult to get anyone else to take on the free car parks as there was little interest due to the lack of income generation.

The Chairman thanked the directors and Portfolio Holder for their presentation.

*Vega Sturgess, Strategic Director (Operations and Customer Focus)*  
*vega.sturgess@southsomerset.gov.uk or (01935) 462200*  
*Donna Parham, Assistant Director (Finance & Corporate Services)*  
*donna.parham@southsomerset.gov.uk or (01935) 462225*

### 111. Area North Capital Programme – Update Report (Executive Decision) (Agenda item 11)

The Area Development Manager presented the report as shown in the agenda which provided an update on the Area North Capital Programme. She explained that some projects may not materialise due to lack of funding, support or other reasons. With the aid of photographs she showed some examples of projects that had recently been completed or were underway, and explained briefly the criteria for funding and support of future schemes. In response to a query, she clarified that the projects in the boxes, as indicated on the map in appendix A of the agenda report, were not in any particular or priority order.

During a brief discussion, members raised several comments including:

- Members needed be kept informed at all times about projects.
- There were several buildings that needed to be made more viable
- Comforting to know the Area Development Team are available for advice
- Provision of fast-speed broadband in the area was inadequate

The Area Development Manager (North) acknowledged a query raised about the Old Town Hall in Somerton, and commented that she would do a reply to the people concerned and the town council. She clarified that there was no proposal coming forward for financial or partnership support from SSDC at the current time. Members of the community had sought guidance from the Area North Development team.

Members were content to approve all three recommendations.

**RESOLVED:** It was resolved that:

- (1) The allocation of the ‘unallocated’ reserve of £171,528 to ‘Local Priority Projects’ and revised profile for 2013-14 and future years as indicated in the agenda report be agreed.
- (2) The potential areas for future investment, in line with the current priorities of the Area Development Plan / Council Plan as indicated in Appendix A of the agenda report be noted.
- (3) The progress of the Area North capital programme approved schemes in Appendix B of the agenda report be noted.

**Reason:** To provide an update on the Area North Capital Programme.

*(Voting: Unanimous in favour)*

*Charlotte Jones, Area Development Manager (North)  
charlotte.jones@southsomerset.gov.uk or (01935) 462251*

### 112. Area North Committee – Forward Plan (Agenda item 12)

The Area Development Manager (North) informed members that the Local Housing Needs report would be postponed for a few months. She also noted that a Community Health and Leisure update report would be added to the forward plan for March/April, and there would also be several grants coming forward for consideration in the new year.

**RESOLVED:** That the Area North Forward Plan be noted including the following additional reports:

- Community Grant applications – January / February
- Community Health and Leisure update – March/April

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

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### **113. Planning Appeals (Agenda item 13)**

Members noted the report that detailed recent 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*

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### **114. Planning Applications (Agenda item 14)**

The Committee considered the applications set out in the schedule attached to the agenda. The planning officer gave further information at the meeting and, where appropriate, advised members of letters received as a result of consultations since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning applications files, which constitute the background papers for this item).

**Planning application: 13/03272/OUT – Outline application for the construction of up to 150 dwellings with new vehicular access from Langport Road. Provision of associated parking, road and drainage infrastructure, a playing pitch, public open space and pedestrian links (all matters reserved except for access) on land south of Langport Road, Langport Road, Somerton. Applicant: Mr J Sutcliffe.**

The Planning Officer presented the application as detailed in the agenda report and highlighted that the application was for outline permission with access only. A single point of access at Langport Road was sought for the development, and as part of the access arrangements there would be a dedicated right hand turn lane from Langport Road into the development. She updated members that a further letter of objection had been received, but no new issues were raised to those already detailed in the report. It was clarified that the proposed on-site equipped play space would be provided by the developer and the remainder of the local facilities contribution would be for off-site youth facilities and changing facilities at the recreation ground.

Reference was made to the National Planning Policy Framework, recent appeal decisions and that SSDC did not currently have a five year land supply. She noted that the 150 houses exceeded the minimum 88 still required in the emerging Local Plan, and the site was located in the direction of growth for development in Somerton. It was also noted that Highways had not raised any capacity issues regarding the network and subject to conditions, did not raise any objections.

Local concerns about drainage were noted, however SSDC Engineers, Wessex Water and the Environment Agency had not raised any objections. Wessex Water had acknowledged there were capacity issues locally but these could be addressed by condition.

Members were addressed by Ms C Adams on behalf of Save our Somerton, Mr P Mountain and Ms M Chambers in a personal capacity and not as a town councillor, who spoke in objection to the application and raised varying comments including:

- Not against housing development if there is a need
- Proposal of 150 houses was more than required by Local Plan and at greater density than recommended by officers. The number of dwellings would create additional pressure on services, and create an increase in traffic and parking issues
- Site is 25 minute walk from town centre and in places there are no pavements or crossings
- Benefits of the proposal needed to be weighed up against the costs to Somerton
- Some years ago it had been raised that the local authorities had failed in education provision for Somerton. There was little scope to expand the current schools.
- Consider the opinions of local people and refuse the application
- Little detail about renewable energy provision as detailed by Climate Change Officer
- Wessex Water acknowledge limited capacity – a whole review of Somerton is required not just this development
- Need assurance that sustainable systems for dealing with surface water drainage will be maintained in the future

Mr S Fitton, agent, noted the applicants had consulted with Somerton Town Council several times. He commented that the site was in the direction of growth for Somerton and so in effect the principle of development was accepted. Although 150 houses was more than the 88 still required in the Local Plan, it was not excessively so. The on-site children's provision and other obligations would benefit the community.

Ward member, Councillor David Norris endorsed comments made by some of the objectors, but he was concerned about the potential density of the development. He felt 150 houses, representing 70% over the number of dwellings indicated in the emerging Local Plan made a nonsense of the Infrastructure Delivery Plan. He commented that there appeared to be no acknowledgement of the Northfield site and the impact assessment on highways was based on incomplete evidence. The offsite requirements for improvements on Langport Road were acknowledged, but there appeared to be no provision for West Street and the town centre where there was likely to be an impact. He did not support the application.

Ward member, Councillor Pauline Clarke concurred with her fellow ward member and commented she was not against development but felt the number of houses proposed and timing was not appropriate. She also expressed concerns including:

- there was no space in the two schools at present and parking in the town was already an issue
- would the doctors surgery be able to cope with the additional population
- much evidence was based on the current situation and did not take into account the additional housing with permission at Northfield, and there would be a cumulative effect

Members discussed the application at length and varying comments were expressed including:

- Need to ensure adequate provision for waste, sewerage, water and power, including pushing for connection to the gas main.
- not a sustainable location, and additional cars will cause traffic issues. People Non't walk the distance to local services and will use cars.
- Adverse impact in sustainability terms outweighs any benefits.
- Too many houses.
- Was building to sustainable homes level 4 instead of level 3 enforceable.
- Town Centre unable to cope with more traffic.
- Planning Inspectors look carefully at responses of statutory consultees, and there were few objections to the proposal.
- The town council represent the local community, was expecting a spokesperson to make representation at this meeting.
- Little reason to refuse the application and it's a vibrant market town.
- It's an 'in principle' application only.

In response to queries and comments made, the Area Lead clarified that:

- The application was in the direction of growth and Somerton was a settlement with a minimum allocated requirement of 88 houses in the emerging Local Plan. Members needed to consider if the number of houses proposed in this application was so over the expressed minimum as to cause harm and if there were impacts so severe as to suggest refusal.
- Detail about space for refuse and parking arrangements would be made at the reserved matters stage.
- Refusing on an assumed density of 35 dwellings per hectare at this stage would be indefensible at appeal, and the decision regarding density should be made at reserved matters.
- Types of energy supplied to a development was not a planning consideration
- Sewerage arrangements were a matter for a third party and the developer to be agreed.
- Surface water was a matter for the LPA to consider, a scheme will ensure run-off from the development cannot exceed that from the current greenfield site.
- Capacity of the doctors surgery was a private matter.
- County Education were saying with a contribution for additional places, the shortfall could be overcome.
- With regard to codes for sustainable homes, the development would have to comply with the relevant Building Control requirements and the Council did not have any planning policies to justify insisting of higher standards being achieved.
- Regarding distance to services, everything except the town centre was within guideline walking distances, and this had been a consideration with the direction of growth in the emerging Local Plan.

It was proposed and seconded to refuse the application, contrary to the officer recommendation, due to the adverse impact on sustainability and unacceptable impact on the landscape of the locality. An amendment was suggested and agreed, to include concern about the cumulative impact on the town centre to the reason for refusal.

The Senior Legal Executive advised members that the grounds and reason for refusal needed to be clear and precise to the application. If the Area Lead, Chairman and herself did not feel it was a substantial or sound reason for refusal then the application would have to be two-starred and referred to Regulation Committee for determination. At the request of the Chairman she explained the meaning and process of two-starring to members of the public.

The Area Lead confirmed that, in his opinion, the reason proposed might prove indefensible at appeal, and should be referred to Regulation Committee if the proposal was carried. Given the suggested growth of Somerton in the emerging Local Plan the LPA did not consider the location to be unsustainable. Furthermore give the nature and topography of the town, there were very few options, if any for growth on this scale.

The Chairman, Senior Legal Executive and Area Lead, agreed that if the proposed reason for refusal was carried the application should be two-starred and referred to Regulation Committee for final determination.

On being put to the vote, the proposal to refuse the application, contrary to the officer recommendation, was carried 6 in favour and 5 against. The Chairman clarified that the application would go to Regulation Committee for determination.

**RESOLVED:** That application 13/03272/OUT be REFERRED to Regulation Committee with a recommendation for REFUSAL from the Area North Committee, contrary to the officer recommendation on the grounds that this is an unsustainable location and its development for 150 houses would be detrimental to the landscape of the locality. As such the proposal is contrary to saved policies and the NPPF. Concern was also raised about the cumulative impact on the town centre.

*(Voting: 6 in favour, 5 against)*

**Planning application: 13/04224/OUT – Outline application for residential development of 6 dwellings on land off Heale Lane, Curry Rivel. Applicant: West of England Developments (Taunton) Ltd.**

The Planning Officer presented the application as detailed in the agenda report, which sought outline approval for scale only. Reference was briefly made to a previous refused application at the same site that was in the early stages of the appeal process. She explained that the issue of the lack of a five year land supply applied and so the presumption was in favour of approval unless there was demonstrable harm.

Mr R Atkins spoke in objection to the application and noted that Curry Rivel was a dormitory area with no major employment and around 84% of workers commuting out of the village. He commented the village had few facilities and many in the local area felt the site should remain a green belt area. If the application was approved he asked that there be a condition to keep hedgerows and noted that local residents did not want the path to Chatham Rise as indicated on the outline plan.

Ward member, Councillor Terry Mounter, felt the report should have mentioned the possibility of the Post Office and petrol station closing in the future. He noted previous applications for housing on the site had been refused for sustainability reasons and did not feel this application was any different, he considered the site to be in open countryside.

During a short discussion several comments were raised including there was uncertainty about the future of the Post Office would definitely close and the new path linking with Chatham Rise should not be included.

In response to queries, the Area Lead clarified that the previous application which was in the early stages of the appeal process did not preclude a decision on this application. He

commented that issues regarding landscaping and the connecting path would be considered at the reserved matters stage if this application was approved.

It was proposed and seconded to approve the application as per the officer recommendation, and on being put to the vote was carried 7 in favour and 3 against.

**RESOLVED:** That planning application 13/04224/OUT be approved, as per the officer recommendation, subject to:

1. The prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following issues:-

(a) financial contributions towards offsite recreational infrastructure of £31,485.81 to the satisfaction of the Assistant Director (Wellbeing) broken down as:

- £20,261.77 for local facilities;
- £7,167.49 for strategic facilities;
- £3,744.82 as a commuted sum towards local services;
- £311.74 as the Community Health and Leisure Service administration fee.

(b) a monitoring fee of £500 to the satisfaction of the Development Manager.

2. The following conditions:

### **Justification**

The provision of 6 dwellings in this sustainable location would contribute to the council's housing supply without demonstrable harm to visual or residential amenity, ecology or highway safety, as such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6, ST9, ST10, EC3, EC7, EC8, EP1, EU4, TP1, TP4, CR2, CR3 and HG7 of the local plan.

### **Conditions**

01. Details of the access, appearance, landscaping and layout (herein 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: For the avoidance of doubt and in the interests of proper planning.

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 three years from the date of this permission or not later than two years from the approval of the last "reserved

matters” to be approved.

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

03. The site hereby approved for development shall be as shown on the submitted location plan received 14/10/2013.

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

04. The development hereby permitted shall comprise no more than 6 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 policies ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

05. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health and neighbour amenity to accord with Policies EU4 and ST5 of the South Somerset Local Plan.

**Informatives:**

01. Please be mindful of the precautionary recommendations made in Section 7 of the Ecology Survey Report, by Michael Woods Associates dated January 2013.

*(Voting: 7 in favour, 3 against)*

**Planning application: 13/03622/FUL – Erection of 18 dwellings and associated works including a new vehicular access, parking, open space and landscaping on land adjacent East Stoke House, Montacute Road, East Stoke. Applicants: Mr & Mrs S Shuldham.**

The Planning Officer presented the application as shown in the agenda. She noted that the landscape aspects had been carefully considered. The site was deemed to be a sustainable location and the application was recommended for approval.

Mr M Frost, agent, noted the proposal for 18 houses was of a scale in keeping with the local area and had been favourably received by the parish council. The applicants had engaged with the SSDC Landscape Architect at an early stage due to the conservation

area. It was not proposed to remove any trees and the boundary hamstone wall would be retained.

Neighbouring ward member, Councillor Sylvia Seal, commented that the application had been well received by the parish council and there had been few objections raised. She could see no reason to refuse the application.

During a brief discussion comments from members included:

- the development was well designed and in a good location
- Highways comments were surprising given the close proximity to the school

It was proposed and seconded to approve the application as per the officer recommendation, and on being put to the vote, was carried unanimously.

**RESOLVED:** That planning application 13/03622/FUL be approved, as per the officer recommendation, subject to:

1. The prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following issues:-
  - (a) financial contributions towards offsite recreational infrastructure of £110,213.65 broken down as:
    - £67,927.89 for local facilities;
    - £24,863.51 for strategic facilities;
    - £16,331.03 as a commuted sum towards local services;
    - £1,091.22 as the Community Health and Leisure Service administration fee.
  - (b) to secure six of the houses (Plots 13-18) for affordable housing
  - (c) a monitoring fee to the satisfaction of the Development Manager.

### **Justification**

The provision of 18 dwellings in this sustainable location would contribute to the council's housing supply without demonstrable harm to visual or residential amenity, the setting of the conservation area and nearby listed buildings, ecology or highway safety, as such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6, ST9, ST10, EC3, EC7, EC8, EH1, EH5, EH11, EH12, EP1, EU4, TP1, TP4, CR2, CR3 and HG7 of the local plan.

### **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 drawings numbered:

- 3235/001, 3235/015, 3235/003, 3235/016, 3235/004, 3235/017A, 3235/017B, 3235/005, 3235/018, 3235/006, 3235/019, 3235/007, 3235/020, 3235/008, 3235/021, 3235/009, 3235/022, 3235/010, 3235/023, 3235/011, 3235/024, 3235/012, 3235/025, 3235/013 and 3235/029 received 06/09/2013;
- 3235/026 Rev B, 3235/027 Rev B, 3235/014 Rev B, 13674/SKC001, 13674/AT01, 13674/AT02 and 13674/AT03 received 24/10/2013; and
- 3235/001A Rev E, 3235/028 Rev C and 13674/SKC002 Rev A.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
- b) full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour and texture, to be provided in the form of a sample panel to be made available on site;
- c) details of the design, materials and external finish for all external doors, windows, boarding and openings and flues;
- d) details of the design of the thatch roofs;
- e) details of the design, external finish and position of all meter boxes;
- f) details of all new guttering, down pipes, other rainwater goods, and external plumbing;
- g) details of all boundary treatment;
- h) details of the surface material for the parking areas.

Reason: In the interest of visual amenity to accord with Policies ST5 and ST6 of the South Somerset Local Plan.

04. No works shall be carried out unless details of the internal ground floor levels of the building(s) to be erected on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

05. The planting scheme detailed on drawing number 504/01 P4 received 20/11/2013 shall be completely carried out within the first

available planting season following the completion of the development hereby permitted. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or by appropriate trees or shrubs as may be agreed in writing by the local planning authority. The approved planting scheme shall not be altered unless the local planning authority gives written consent to any variation.

Reason: In the interest of visual amenity and to safeguard the character and setting of the adjacent conservation area in accordance with Policies ST5, ST6 and EH1 of the South Somerset Local Plan.

06. No development hereby approved shall take place unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policy EH12 of the South Somerset Local Plan.

07. The development hereby permitted shall not be commenced (including any ground works or site clearance) unless a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise agreed in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

08. The development hereby permitted shall only be carried out in full accordance with the badger sett protection measures as described in paragraph 6.7 of the Ecological Appraisal (B1118.004) dated 20/08/2013 by ACE Consulting National Solutions.

Reason: For the protection of a legally protected species to accord with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

09. The development hereby permitted shall not be commenced unless a scheme of external lighting has been submitted to and agreed in writing by the local planning authority. The agreed

details shall be carried out in full and shall not be altered unless otherwise agreed in writing by the local planning authority.

Reason: For the protection of bats, which are legally protected species, to accord with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

10. The proposed development shall be served by a new access constructed in accordance with submitted plan 3235/001A Rev E. Such access arrangements shall be provided prior to the commencement of the dwellings and shall be fully completed prior to the occupation of any dwelling hereby approved.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

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

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

12. The proposed estate roads, 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 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 to accord with Policy ST5 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 interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

14. The areas allocated for the parking and turning of vehicles on the submitted plan 3235/001A Rev E shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby

permitted.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

15. The existing access shall be stopped up and its use permanently abandoned for vehicular traffic within one month of the new access hereby permitted being first brought into use.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

16. At the proposed from Montacute Road there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on drawing number 3235/001A Rev E. Such visibility splays shall be constructed prior to the access being brought into use and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

17. 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 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 interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

18. The development hereby permitted shall not be commenced unless a scheme for the maintenance of all areas of communal open space 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 interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of

any dwelling forward of any wall of that dwelling which fronts onto a road, other than those expressly authorised by this permission.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

**Informatives:**

01. You are reminded that the highway authority has 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 that 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 need to obtain a right to discharge any surface water into the highway drainage system.
03. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager South Somerset District Council Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
04. Prior to works commencing on site the Applicant is advised that plans, sections, specifications and calculations of any proposed retaining wall must be submitted to the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls, which are wholly, or partly within 4 yards (3.7m) of a street and which is at any point of a greater height than 4'6" (1.37m) above the level of the ground at the boundary of the street nearest that point.)
05. Please note the recommendations of the Ecologist and ensure that any lighting be designed so as to minimise or avoid any additional illumination of the tree lines around the site and to avoid the use of high pressure sodium lamps, so as to minimise any potential impact on bats.
06. You are referred to the comments and recommendations set out within paragraphs 6.8 and 6.9 of the Ecological Appraisal (B1118.004) dated 20/08/2013 by ACE Consulting National Solutions, in relation to badgers.

*(Voting: Unanimous in favour)*

**Planning application: 13/02787/FUL – The erection of single storey industrial building (Use Class B1 & B2) subdivided into 4 No. units with ancillary loading bay and car parking at Lopen Head Nursery, Lopenhead, South Petherton. Applicant: Mr A Whitehouse.**

The Area Lead presented the application as detailed in the agenda. He noted that members would be familiar with the location as an application had been considered on the wider site earlier in the year, which was recently subject to a Judicial Review with the decision pending. He updated members that the word 'not' had been omitted in error in the agenda report in the last sentence under the sub-heading 'Need for the Development', and the sentence should have read '*.....applicant should not be required.....*'.

Members were also informed that a further letter of representation had been received reiterating a number of concerns addressed in the officer report, and he gave a brief summary and response of the points made. He explained that the LPA had no issue with the speculative units as it is an allocated site.

Ms N Barrett, supporter, commented that as a resident of Lopen Head she welcomed the opportunity to develop the site and it was good to encourage local employment for young people.

Applicant, Mr A Whitehouse, commented that the local business had grown since 1993 and they had always employed an apprentice, a young local person. The original building at Seavington had become too small and traffic was becoming an issue. The new building in this location provided a much better working environment and there was a wish to keep the head office on one site, if not located at this site there would be a need to travel elsewhere.

Ward member, Councillor Paul Thompson, acknowledged there were concerns locally, but this was an allocated site. He could see no reason to refuse the application given that it previously had outline permission.

During a short discussion members expressed their support for the application and commended the young lady for her representation. It was proposed to approve the application as per the officer recommendation, which on being put to the vote was carried unanimously.

**RESOLVED:** That planning application 13/02787/FUL be approved, as per the officer recommendation, subject to following conditions:

**Justification:**

The proposed development by reason of its design, scale, siting and materials is considered to respect the character and appearance of the area, will provide employment opportunities on a saved allocated employment site and will provide a satisfactory means of access. The scheme accords with Policy ST5, ST6 ME4 and EC3 of the South Somerset Local Plan and to policy in the NPPF.

**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 area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure that there is a permanent area for parking on site to accord with the adopted County Parking Standards.

03. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls, roofs and security fencing have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the area to accord with saved Policy ST5 of the South Somerset Local Plan.

04. The development hereby approved shall be carried out in accordance with the following approved plans:  
Drawing numbers: 4840 5.E Block and Location Plans, 4840 7 - Floor plan and elevations, 4840 4.J - Site plan and 4840 8.- Cross site elevation.

Reason: For the avoidance of doubt and in the interests of clarity.

05. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turving or earth moulding comprised in the approved details of landscaping 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: To protect the amenity of the area to accord with saved Policy ST5 of the South Somerset Local Plan and to accord with the NPPF.

06. No external lighting shall be installed within the application site unless the details of any lighting has been submitted to and approved in writing by the Local Planning Authority. There shall be no changes to the approved lighting unless approved in

writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with saved Policy ST5 of the South Somerset Local Plan and the NPPF.

07. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is satisfactorily drained.

**Informatives:**

01. The applicant is reminded that:

1) The site falls within a groundwater Source Protection Zone 2 (SPZ2). This is a zone of protection surrounding a nearby drinking water borehole, which is vulnerable to pollution. It therefore requires careful protection from contamination. Further information on SPZs can be found at

<http://www.environment-agency.gov.uk/homeandleisure/37833.aspx>

2) Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines (PPGs) at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

You are reminded that under the Environmental Permitting Regulations 2012, any discharge to surface water from the package treatment plant, is limited to 5 cubic metres per day.

If the proposed development is likely to increase the foul discharge from the site/unit to greater than 5 cubic metres per day, the applicant will need to apply to the Environment Agency for an Environmental Permit (<http://www.environment-agency.gov.uk/business/sectors/32320.aspx>)

*(Voting: Unanimous in favour)*

**Planning application: 13/03822/LBC – partial removal of wall opposite wood fired oven to allow for better sight lines (retrospective) at the White Hart Inn, Market Place, Somerton. Applicant: Mr R Greacen.**

The Conservation Officer presented the application as detailed in the agenda. He explained in detail the character of the building and made reference to the historic evaluation. He explained that some alterations had been allowed in order to help the needs of the business and use of the building. The applicant had removed the upper section of the wall so that it was now only half the height, although the Conservation Officer had requested that the wall be retained. A concern now was that the wall looked like an addition rather than a removal. The officer considered the applicant's justification for removal of part of the wall did not relate to the historical evaluation report.

Mr J Brooke-Webb, one of the owners, commented they did not want members to think they had been cavalier, and there had been much investment to refurbish the pub. The application was not to remove the whole wall, although there appeared to be some reference as such in the report. Whilst doing the works, it was felt the wall was not of the age initially thought as it was not load bearing and was possibly a partition wall rather than an old gable end, and therefore they challenged the historical significance to the listed building. The top of the wall had crumbled away during works, and so they had kept what remained as they knew the Conservation Officer wished the wall to be retained. The lower wall now gave good sight lines to the drama of the kitchen by customers.

Ward member, Councillor David Norris, regretted that prior permission had not been sought, but questioned if the fundamental character of the building had been lost given all the other alterations that have had permission. He felt the wall half-height was acceptable and supported the application.

Ward member, Councillor Pauline Clarke, commented the work done to bring the premises back into use was excellent but expressed regret that permission was not sought. She questioned what would be achieved by rebuilding the wall, as it was likely to be plastered and would look like a modern wall.

During the ensuing short discussion members raised similar comments including:

- regrettable a retrospective application, and wouldn't encourage anyone to do things without consent
- don't consider there is anything undesirable
- understand the approach and opinions of the Conservation Officer, however struggling to see the harm
- it's right that the application is at committee for members to consider otherwise it sends out the wrong message

As members appeared to be minded to approve the application, the Area Lead clarified the reason for refusal would be the opposite of the reason shown in the agenda, and advised that there was no requirement for any conditions.

Members wished the applicant to note it would be very detrimental if similar actions were taken again.

Members were content to approve the application, contrary to the officer recommendation, and on being proposed and put to the vote, was carried unanimously.

**RESOLVED:** That listed building consent application 13/03822/LBC be GRANTED,

contrary to the officer recommendation, on the grounds that:

**Justification:**

The proposed alteration to the historic plan form of the building would have no adverse impact on the character of this listed building. As such the proposal complies with policy EH3 of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

*(Voting unanimous in favour)*

.....  
Chairman