

AW.10:13/14
DATE 19.02.14

South Somerset District Council

Draft Minutes of a meeting of the **Area West Committee** held on **Wednesday 19th February 2014 at the Henhayes Centre, Crewkerne.**

(5.30 p.m. - 10.15 p.m.)

Present:

Members:	Cllr. Angie Singleton	(in the Chair)
	Mike Best (from 5.40 p.m.)	Sue Osborne
	Dave Bulmer	Ros Roderigo
	John Dyke	Andrew Turpin
	Carol Goodall (until 8.30 p.m.)	Linda Vijeh
	Brennie Halse	Martin Wale
	Jenny Kenton	

Officers:

Helen Rutter	Area Development Manager (East)
Zoe Harris	Neighbourhood Development Officer
Lynda Pincombe	Community Health & Leisure Manager
Neil Waddleton	S106 Monitoring Officer
Amy Cater	Solicitor
David Norris	Development Manager
Adrian Noon	Area Lead North/East
John Millar	Planner
Jo Morris	Democratic Services Officer

Also Present:

Pippa Rayner	Funding and Development Officer, Blackdown Hills Area of Outstanding Natural Beauty Partnership
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(Note: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.)

113. Minutes (Agenda Item 1)

The minutes of the meeting held on 22nd January 2014, copies of which had been circulated, were taken as read and, having been approved were signed by the Chairman as a correct record.

114. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Paul Maxwell, Nigel Mermagen and Ric Pallister.

115. Declarations of Interest (Agenda Item 3)

Cllr. Ros Roderigo declared a personal and prejudicial interest in Agenda Item 7 – Natural Futures, as the Council appointed representative on the Blackdown Hills Area of Outstanding Natural Beauty (AONB). She indicated that she would address the Committee and then leave the room.

Cllr. Angie Singleton declared a personal interest in Agenda Item 12 – Update Report Land at Goldwell Farm, Yeovil Road, Crewkerne, as a member of Crewkerne Town Council.

Cllrs. Carol Goodall and Linda Vijeh declared personal interests in Planning Application No. 13/04760/FUL, as members of Ilminster Town Council.

Cllrs. Brennie Halse, Jenny Kenton and Martin Wale declared personal interests in Planning Application No. 13/04241/FUL, as members of Chard Town Council.

Cllr. Dave Bulmer declared a personal and prejudicial interest in Planning Application No. 13/04241/FUL, as he was a friend of the objectors speaking on the application. He indicated that he would leave the room during consideration of the item.

Prior to consideration of the item, Cllr. Sue Osborne declared a personal and prejudicial interest in Planning Application No. 13/04241/FUL, as the applicant was a personal friend of her and her husband. She left the room during consideration of the item.

Cllr. Andrew Turpin declared a personal interest in Planning Application No. 13/00875/FUL, as a member of Tatworth and Forton Parish Council.

116. Public Question Time (Agenda Item 4)

No questions or comments were raised by members of the public.

117. Chairman's Announcements (Agenda Item 5)

Following a suggestion from the Chairman, Members indicated that they were supportive of a Member Workshop/Information Session on education provision being held prior to a future meeting of the Area West Committee. Confirmation of a date would be circulated to members in due course.

118. Area West Committee - Forward Plan (Agenda Item 6)

Reference was made to the agenda report, which informed members of the proposed Area West Committee Forward Plan.

The Area Development Manager (East) reported that there were no amendments to the Forward Plan. She invited members to suggest any future items of benefit to be included on the Forward Plan.

One member queried whether the Highway Officer would be in a position to provide an update report on the Highway Maintenance Programme in May given the recent weather

conditions and the tremendous work backlog. The Chairman proposed to leave the item on the Forward Plan for May and move it if necessary nearer the time.

A request was made for an item to be included on the Forward Plan updating members on the progress of Chard Regeneration Scheme. It was suggested that the Area Development Manager (West) approach the Board about the possibility of providing an update report in the near future.

Members were content to note the Forward Plan as attached to the agenda.

RESOLVED: That the Area West Forward Plan be noted as attached to the agenda.

(Resolution passed without dissent)

*(Andrew Gillespie, Area Development Manager (West) – 01460 260426)
(andrew.gillespie@southsomerset.gov.uk)*

119. Natural Futures (Executive Decision) (Agenda Item 7)

The Neighbourhood Development Officer introduced the report, which asked members to consider an application for funding towards the Blackdown Hills Area of Outstanding Natural Beauty (AONB) Natural Futures project. She explained that Natural Futures was an exciting project that would not only benefit those who live on the Blackdown Hills but would also interest lots of people living in and around the areas of Chard and Ilminster. She introduced Pippa Rayner, Funding and Development Officer from the Blackdown Hills Area of Outstanding Natural Beauty Partnership.

With the aid of a powerpoint presentation, the Funding and Development Officer gave further details of the 3 year project which had been developed with three strands Discover It! Share ! and Do It!. She gave further details about each of the strands. Members were informed that the project would include a wildlife identification training programme, the production of an interactive map-based website with films and photos and support for local people to run their own community nature projects. She outlined the funding required for the project as detailed in the agenda report.

Cllr. Ros Roderigo, the Council's representative on the Blackdown Hills AONB, commented that she was very supportive of the AONB, there was a high level of enthusiasm for the project and that the AONB were extremely good at securing funds. Having earlier declared a personal and prejudicial interest she left the room during the remainder of the item.

The Funding and Development Officer noted the comments of members and responded to questions on points of detail. Points raised included the following:

- The AONB were approaching all partners covering the AONB for funding towards the project;
- Part of the Heritage Lottery Fund requirements included a clear and well defined monitoring regime;
- The outcome of the Heritage Lottery bid would be known in September. The bid had successfully passed through to the second stage of the application process;
- SSDC funding would be conditional on the AONB securing the remaining funding.

During the ensuing discussion, Members expressed their support for the project. It was proposed and seconded to approve a grant of £5,000 from the Community Grants Budget.

RESOLVED: That a grant of £5,000 be approved, from the Community Grants Budget, towards the Blackdown Hills Area of Outstanding Natural Beauty (AONB) Natural Futures project.

(Voting: unanimous)

Reason: To agree an application for funding.

*(Zoe Harris, Neighbourhood Development Officer)
(zoe.harris@southsomerset.gov.uk or 01460 260423)*

120. Community Health & Leisure Service Update (Agenda Item 8)

The Community Health and Leisure Manager summarised the agenda report, which provided members with an update on the work of the Community Health and Leisure Service in Area West. With the aid of a powerpoint presentation she highlighted the following:

- 2013/14 Community Health and Leisure Budget;
- Staffing structure within the Community Health & Leisure Service;
- Healthy Lifestyles development including the success of the health walks, Chard Community £'s project and Cardio Tennis in Crewkerne;
- Sports Development including the mini tennis programme, Happy Days in Crewkerne and Badminton Development at Holyrood;
- Play and Youth Facilities including the development of a new Floodlit Multi Use Games Area in Misterton, improvements at the Blackdown View play area and refurbishment of the play area at Furzehill in Chard;
- Play Area Management and Inspection of 56 play areas across the district;
- Young People – Gold Star Awards

During the ensuing discussion, the Community Health and Leisure Manager noted the comments of members and responded to questions on points of detail. Points raised included the following:-

- The Community Health and Leisure Service was not part of the Troubled Family Project. However, the Team did undertake a lot of promotion across the district to encourage people to become active and healthier;
- In response to a member comment regarding projects not being well attended and whether this was due to lack of marketing or not providing appropriate activities, the Community Health and Leisure Manager commented that some projects were not always a success despite being marketed. Projects that are less successful are not run again or are offered in a different way;
- The Community £'s project was a pilot project and not funded by SSDC;
- One member requested further information on the Somerset Rural Youth Project. In response the Community Health and Leisure Manager informed members that a funding report was due to be considered by District Executive in March;
- Several members had attended the Gold Star Awards, which they considered to be an excellent event;
- Members made several comments about the success of the Play Days.

The Chairman and members of the Committee thanked the Community Health & Leisure Manager for her report and congratulated her on the outstanding work of her team.

- RESOLVED:**
- 1) That the contents of the report be noted;
 - 2) That Members contact the Community Health and Leisure Manager, if they would like to discuss the current service delivery programme or recommend future priorities. Service planning takes place on an annual basis and draft plans for 2014/15 are being drafted and refined over the next few months.

(Lynda Pincombe, Community Health & Leisure Manager – 01935 462614)
(Lynda.pincombe@southsomerset.gov.uk)

121. S106 Obligations (Agenda Item 9)

The S106 Monitoring Officer presented the report as detailed in the agenda. He gave an update on recent progress and made particular reference to the improvements to the process and commented that members were now taking on more of an active role in the early stages of negotiation. He was pleased to report that a recent audit completed by South West Audit Partnership (SWAP) had given substantial assurance.

During the ensuing discussion, the S106 Monitoring Officer and the Community Health & Leisure Manager noted the comments of members and responded to questions on points of detail. Points raised included the following:-

- With regard to the development at Mitchell Gardens, Chard, Members were informed that monies had now been collected;
- In response to a member requesting further information regarding the timescales for the delivery of the Maiden Beech Play Area, the Community Health & Leisure Manager advised that the play area was very near to completion. Some frustration was expressed by Members regarding the process although it was appreciated that completion of the play area was in the hands of the developer;
- Members were advised that Ward Members and the Community Health & Leisure Service were notified when any contributions were collected;
- The provision of temporary changing facilities at Jocelyn Park was likely to cost in the region of £10,000. Negotiations were likely to take some time;
- Members were encouraged to liaise with the Community Health & Leisure Service over future requirements within their Wards;
- In response to a Member comment, the Community Health & Leisure Manager agreed to circulate the total amount of contributions set aside for the Octagon Theatre.

The Chairman thanked the S106 Monitoring Officer for his update report.

- RESOLVED:**
- (1) That the report and verbal update be noted; and
 - (2) That the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations be endorsed.

(Neil Waddleton, S106 Monitoring Officer – 01935 462603)
(neil.waddleton@southsomerset.gov.uk)

122. Feedback on Planning Applications Referred to the Regulation Committee (Agenda Item 10)

There were no planning applications referred to the Regulation Committee.

123. Planning Appeals (Agenda Item 11)

The Committee noted the details contained in the agenda report, which informed members of planning appeals lodged, dismissed and allowed.

NOTED.

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

124. Update Report Land at Goldwell Farm, Yeovil Road, Crewkerne (Ref: 13/02941/OUT) (Agenda Item 12)

The Area Lead North/East presented the report as detailed in the agenda, which sought Members support in defence of an appeal against non-determination of an outline application for a residential development comprising up to 110 dwellings and new access at Goldwell Farm, Yeovil Road, Crewkerne. He updated Members that:

- County Highways had considered the revised Travel Plan but considered it to not be acceptable;
- The Applicant's Agent had confirmed that the archaeologist investigation was due to take place shortly and that it would not jeopardise any archaeology in the land;
- There was mention of possible access at Ashlands Road, however, this was not possible as the footpath was in unknown ownership.

In response to questions, the Planning Officer clarified points of detail raised by members. Members were informed that a three arm signalised junction was being proposed and upgrading of the street lighting would form part of the conditions.

Members noted that in the event of a suitable travel plan being agreed to address the sustainability concerns, the decision whether to withdraw that particular reason for refusal would be taken in conjunction with the Development Manager and the Ward Members.

Jo Dawson, representing Crewkerne Town Council reiterated the objections of Crewkerne Town Council as follows:

- There was already sufficient housing provision for the town within the CLR Keysite development;
- Loss of agricultural land;
- Visual impact;
- The development would be detrimental to the structure of the town;
- The proposed development was located on the wrong side of the town;
- Lack of pedestrian/cycleways.

The Committee was then addressed by Peter Traves in objection to the application. He commented that there was already enough housing in the town for at least another 20

more years with the CLR and other developments. He asked whether a full housing survey could be undertaken in order to assess and plan the type of housing that was needed in the town. He also referred to the lack of affordable housing. He hoped that the application would be refused.

The Applicant's Agent, Bob Sellwood referred to the report confirming that the Council could not demonstrate a 5 year housing supply and that the proposed development exceeded the 45 dwellings identified for Crewkerne through the emerging plan. It was acknowledged that Crewkerne was a suitable location and the report confirmed that there were no transport objections. With regard to the sustainability issues, he believed that a suitable package could be resolved. In his opinion, he felt that it was reasonable to walk from the site for a lot of day to day activities. He also referred to the CLR site not producing homes until 2017/18 and that only 17 would be affordable. The proposed development would commence in 2014 and be complete before the CLR site would start.

Ward Member, Cllr. John Dyke referred to the concerns of the Town Council against the application. He questioned the fact that most people would walk from the site and felt that the current car parking problem within the town would be exacerbated. He raised concerns over the poor pedestrian and cycling links to the town centre, the additional traffic problems and landscape issues. He expressed full support for the Officer's recommendation.

Ward Member, Cllr. Mike Best raised concerns over the sustainability aspect and the traffic and parking implications associated with the application. The site was reliant on the use of a car and was not within reasonable walking distances of infant and primary schools. He expressed his support to defend against the application.

Ward Member, Cllr. Angie Singleton endorsed the comments of her fellow Ward Members and expressed her support for the Officer's recommendation. She considered this to be an opportunistic application and that reference to the Longstrings site was misleading as the picture was very different prior to the recession. The proposed development was clearly unsustainable and had no benefits to Crewkerne.

During discussion, members indicated that they would wish to see the following issues addressed by the Travel Plan:

- Safe and easy access into the town centre by foot and cycle;
- To provide a figure of 8 bus service around Crewkerne on an hourly basis;
- Relocation of bus stop and pedestrian crossing;
- Pedestrianisation of the A356 on the side of the Town Hall.

Members indicated that they would be happy to delegate details of the Travel Plan to the Ward Members.

It was proposed and seconded to endorse the Area Lead North/East's recommendation as outlined in the agenda report in defence of an appeal against non-determination. On being put to the vote Members voted unanimously in favour of the Officer's recommendation.

RESOLVED: That:-

- a) the following areas of concern be defended at the public inquiry:-
 - (1) The proposed residential development of this peripheral site,

sloping away from the town would, cumulatively with the CLR site to the south of the A30, exacerbate the adverse landscape and visual impact of the eastward extension of Crewkerne, separate from the main form of the town within the valley to the southwest. As such the proposal is contrary to the policies contained within the NPPF and saved policies ST5 and EC3 of the South Somerset Local Plan.

Furthermore the extensive engineering works to the A30 to create the access, in conjunction with the access to the CLR site, would create an excessively suburban feature at the eastern gateway to the town that would be wholly at odds with the local topography and landscape character. As such the proposal is contrary to the policies contained within the NPPF and saved policies ST5 and EC3 of the South Somerset Local Plan.

- (2) The proposal is for up to 110 dwellings on a site remote from employment opportunities and not within reasonable walking distance of infant and middle schools. The site is sufficiently remote from the services and facilities in the town centre for there to be no realistic pedestrian or cycle alternative to the busy A30 which, in places, is steep, lacking in adequate pavements and is subject to considerable on street parking. It is not considered that such route would be attractive to cyclists, pedestrians or anyone with impaired mobility.

The submitted travel plan does not satisfactorily demonstrate that the future residents would have any option but to rely on the private motor car for virtually all their daily needs. Such lack of choice of transport modes constitutes unsustainable development contrary to the presumption in favour of sustainable development running through the NPPF which is not outweighed by any reasonable benefit arising from the development. Accordingly the proposal is contrary to the policies contained within the NPPF and saved policies ST5 and TP2 of the South Somerset Local Plan.

- (3) Insufficient evidence has been provided to demonstrate that the development would not adversely impact on the archaeological potential of the site.

b) all other matters be agreed as common ground in advance of the Inquiry.

c) In the event that:-

- a suitable travel plan is agreed to address the sustainability concerns (as set out at (2) above) to the satisfaction of the development manager, in consultation with the ward members

- additional archaeological information is provided to demonstrate that the development would safeguard the archaeological potential of the site to the satisfaction of the County Archaeologist

then these issues also be agreed a common ground between the local planning authority and the appellant.

- d) In the event that the appeal is allowed the decision is subject to a Section 106 agreement to provide for:-
- 35% affordable housing to the satisfaction of the Strategic Corporate Housing Manager
 - Sports arts and leisure contributions to the satisfaction of the Assistant Director (Wellbeing)
 - The maintenance of site equipped play areas and informal space to the satisfaction of the Development Manager in consultation with the Open Spaces Officer
 - Financial contribution towards primary school places as requested by county education officer
 - Travel Plan measures to include town centre improvements, to the satisfaction of the development manager in consultation with the ward members.
 - S106 monitoring fee based on 20% of the outline application fee.

and conditions to the satisfaction of the Development Manager.

(Voting: Unanimous)

*(Adrian Noon, Area Lead – 01935 462370)
(adrian.noon@southsomerset.gov.uk)*

125. Date and Venue for Next Meeting (Agenda Item 14)

Members noted that the next scheduled meeting of the Committee would be held on Wednesday 19th March 2014 at Merriott Village Hall.

NOTED.

*(Jo Morris, Democratic Services Officer – 01935 462055)
(jo.morris@southsomerset.gov.uk)*

126. Planning Applications (Agenda Item 13)

Prior to the commencement of planning applications, Cllr. Dave Bulmer reiterated his personal and prejudicial interest in Planning Application No. 13/04241/FUL. He indicated that he would leave the room during consideration of the item.

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).

13/04760/FUL – The erection of 65 No. dwellings and associated works to include play provision (Revised Application), Land at Canal Way, Ilminster – Persimmon Homes (South West) Ltd.

The Planning Officer with the aid of slides and photographs summarised the details of the application as outlined in the agenda including the key considerations. Members were reminded that the previous application had been refused due to the lack of on site play provision. The revised application was laid out as previously submitted, however on-site play provision was now proposed on the south west corner of the site. The Planning Officer's recommendation was for approval.

In response to questions, the Planning Officer clarified points of detail raised by Members which included the following:

- The travel plan would be tied into the S106 agreement;
- The Engineer was satisfied with the drainage proposals.
- The culverts would be underground and appropriate drainage conditions would be applied;
- Additional parking would be located on the edge of the site and well linked with the footpath;
- Clarification over the proximity of the deep water. There was no open water on the site;
- There was no risk of increased flooding;
- The Engineer was satisfied with the proposals for ground water run off;
- The applicant had changed the orientation of plot 54 to try and alleviate the concerns of the Police Liaison Officer;
- The Planning Officer was content to include an additional reference to the condition of roads.

The Committee was then addressed by Cllrs. Emma Taylor and Andrew Shearman representing Ilminster Town Council. Concerns expressed related to the following:

- The Town Council still had major concerns with the application but were pleased that a play area had been included on the site but the location of the play area was wrong;
- Concerns over the remote area of the LEAP site;
- Child safety concerns;
- Surveillance of the site should not be the responsibility of two properties;
- If SSDC were to change the policy of a 30m buffer the LEAP site could be relocated;
- Loss of employment land;
- Concerns of crime and disorder;
- Concerns over the applicant erecting signage prior to planning permission;
- Proximity of the deep water and railway bridge;
- Concerns over flooding.

The Applicant's Agent, Simon Collier informed members that the sole reason for refusal of the previous application had now been addressed and the application was proposing a LEAP on site. The proposed play area would be developed by SSDC in partnership with

Ilminster Town Council, after which it was expected to be transferred to the Town Council to manage. SSDC's Community Health & Leisure Service considered the proposed location to have good access with adequate surveillance and were content that the 30m buffer zone had been provided.

Ward Member, Cllr. Carol Goodall commented that she supported the views of the Town Council and the Police. She referred to the remoteness of the proposed play area and didn't understand the logic of rotating plot 54 and the 30m buffer zone. She felt that the play area would be better located at the other end of the site closer to the affordable housing. She was unable to support the proposal.

During the ensuing discussion, Members raised a number of issues which included the following:

- The minor issues raised throughout the agenda report had been ignored and the applicant was constantly pushing the boundary;
- The position of the LEAP was detached from the whole of the estate and the layout needed to be reconsidered;
- The issue of flooding needed to be re-examined;
- Although the applicant was pushing the boundaries, there were no robust reasons to refuse the application.

The Development Manager commented that the 30m buffer zone was required as in the past a number of problems had been experienced with other developments. He further commented that there was no evidence to suggest that more children from affordable housing would be using the play area and as there were no objections from SSDC's Community Health & Leisure Service there would be no expert witness to call upon if the application went to appeal. He advised members that it was unreasonable to introduce new reasons for refusal. Members needed to consider whether the play area was so harmful to warrant a refusal.

The Solicitor advised with reference to the NPPF that members needed to consider whether any adverse impacts of the proposed development significantly and demonstrably outweighed the benefits.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation outlined in the agenda report subject to additional reference to condition of roads to be included within Condition 15. On being put to the vote, the proposal was carried 8 in favour and 3 against.

RESOLVED: That Planning Application No. 13/04760/FUL be **APPROVED** as per the Planning Officer's recommendation subject to:

(i) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:

(a) The agreed contribution towards the provision of sport, play and strategic facilities (to the satisfaction of the Local Planning Authority).

£214,563.07 to be used for local facilities.

£76,040.92 to be used for strategic facilities.

£80,614.40 as a commuted sum towards local services.

£3,712.18 as the Community, Health and Leisure Service administration

fee;

b) To ensure that 23 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 £110,313 to provide an additional 9 first school places.

d) An appropriate Travel Plan

e) To ensure that appropriate measures are put in place to secure the provision and on-going management and maintenance of areas of public open space (including LEAP, Informal Open Space and other open space within the site).

f) To ensure that appropriate measures are put in place to secure the on-going management and maintenance of areas of the surface water drainage scheme.

g) S106 Monitoring fee based on 20% of the planning fee paid.

and;

(ii) conditions, as set out below:

For the following reason:

01. The proposed development comprising 65 residential units, by reason of its appearance, landscaping, layout and scale is considered to be acceptable and will contribute to the Council's housing supply. Furthermore, the proposal provides sufficient parking, drainage and landscaping measures to mitigate the impact of the development and would have no adverse impact on highway safety, local flood risk and residential amenity, in accordance with the aims and objectives of saved policies ST3, ST5, ST6, ST7, ST10, EC3, EC8, EH12, EP1, EP5, EP6, EP9, EU4, TP1, TP2, TP4, ME3, HG7, CR2, CR3 and CR4 of the South Somerset Local Plan 2006 and the provisions of the chapters 4, 6, 7, 8, 10, 11, 12 and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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 complete accordance with the following approved plans: 'D01 Rev A', '2013 ILLM sk300 P2', '0870-P-S1 Rev A', '2420-P-S1 Rev B', '3520-P-S1 Rev B', '4720-P-S1', '1210-PA-S1', '999-P-S2 Rev A', '0761-P-S2', '0969C-P-S1', '0969-P-S1', '999C-P-S1', '999-P-S2', '999-P-S1 Rev

A', '0631-P-S1 Rev A', '0761-P-S1 Rev A', '1096-P-S1', '1222-P-S1', '1414-P-S1' and '1414-P-S2', received 22nd November 2013 and '1414-P-S2 Rev A', '2013 ILLM sk110 P4', '2013 ILLM sk111 P5', '2013 ILLM sk112 P4', '2013 ILLM sk113 P2', 'L.01 Rev K' and 'L.02 Rev D', received 20th December 2013.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. 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 roof lights) 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 position and colour finish of meter cupboards, gas boxes, rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally);
- 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: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan and the provisions of Chapter 7 of the National Planning Policy Framework.

04. Before the development hereby permitted is a commenced, foul water drainage detail 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 any part of 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 satisfactory drainage at the site and for the prevention of flood risk, in accordance with saved policy EU4 of the South Somerset Local Plan.

05. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Such drainage scheme shall also include details of gullies, connections, soakaways and means of attenuation on site. The scheme shall subsequently be implemented in accordance with the approved details before any part of the development hereby permitted is first brought into use. Following its

installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To prevent the increased risk of flooding, in the interests of highway safety, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, in accordance with saved policies ST5, EU4 and EP9 of the South Somerset Local Plan and the provisions of chapters 4 and 10 of the National Planning Policy Framework.

06. 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: In the interests of environmental health and to prevent pollution of the water environment, in accordance with saved policies ST5, EP5 and EP9 of the South Somerset Local Plan and the core planning principles and provisions of Chapter 10 of the National Planning Policy Framework.

07. The proposed landscape scheme shall be carried out in accordance with details as indicated on approved plans 'L.01 Rev K' and 'L.02 Rev D', unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding, turfing 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 any part of the development hereby permitted 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, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan and the provisions of Chapter 7 of the National Planning Policy Framework.

08. The proposed access shall be constructed in accordance with details shown on approved plan '2013 ILLM sk110 P4'. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

09. 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, 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 highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

11. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

12. The area allocated for parking on approved plan '2013 ILLM sk110 P4' shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

13. Prior to, (and within 2 months of), commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with saved policy EC8 of the South Somerset Local Plan, chapter 11 of the National Planning Policy Framework and to ensure compliance with the Wildlife and Countryside Act

1981, and The Protection of Badgers Act 1992.

14. Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details before any part of the development hereby permitted is first brought into use, unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with saved policy EC8 of the South Somerset Local Plan and the provisions of chapter 11 of the National Planning Policy Framework.

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: To safeguard residential amenity and highway safety, in accordance with saved policies ST5, ST6 and EP6 of the South Somerset Local Plan and the core planning principles and provisions of Chapter 4 of the National Planning Policy Framework.

16. Construction works and deliveries to the site shall not take place outside of the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No construction work or deliveries to the site shall take place on Sundays or Public/Bank Holidays.

Reason: To safeguard residential amenity, in accordance with saved policies ST6 and EP6 of the South Somerset Local Plan and the core planning principles of the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

Informatives:

01. The applicant is advised that they will be required to enter into a suitable legal agreement with the County Highway Authority to secure the construction of the highway works necessary as part of the development.

02. **Water Efficiency**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. Applicants are advised to refer to the following for further guidance

<http://www.environment->

[agency.gov.uk/homeandleisure/beinggreen/118941.aspx](http://www.environment-agency.gov.uk/homeandleisure/beinggreen/118941.aspx)

<http://www.savewatersavemoney.co.uk/>

Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

The Code for Sustainable Homes should be complied with, achieving the highest level possible. For details on compliance with the Code the applicant is advised to visit:

<http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards>

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. 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 and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific guidance it is available on the Environment Agency website www.environment-agency.gov.uk/subjects/waste/

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste

movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs.co.uk>

(Voting: 8 in favour, 3 against)

13/04241/FUL – Demolition of existing garage and erection of 2 No. semi-detached dwellinghouses, 15 Glynswood, Chard – Mr Tim Rudkin

Having earlier declared a personal and prejudicial interest, Cllr. Dave Bulmer left the room during consideration of the planning application.

Prior to consideration of the item, Cllr. Sue Osborne declared a personal and prejudicial interest in the application, as the applicant was a personal friend of her and her husband. She left the room during consideration of the item.

The Planning Officer with the aid of slides and photographs summarised the details of the application as outlined in the agenda including the key considerations. The Planning Officer's recommendation was for approval.

In response to questions, the Planning Officer clarified points of detail raised by members which included the following:

- The garage building could accommodate a total of 2 cars;
- Clarification over the Furnham Road access.

The Committee then noted the comments of Phil Boyer in objection to the application. He referred to the unanimous decision of the Town Council to refuse the application on the grounds of highway safety. His concerns related to congestion around the entrance to the site and the safety of children walking along the access route. He stated that the entrance would only allow 1 car in and 1 car out and that there were often cars parked along Glynswood creating a gridlock. He also referred to the state of the lane being in a poor condition and that an increase in traffic would not help the situation. In terms of land ownership, he informed members that the lane was in the ownership of the veterinary surgery.

The Applicant's Agent, Paul Dance, thanked the Planning Officer for his comprehensive report. He wished to point out one correction in the report under the access heading in relation to the garage. It stated in the report that the garage was in an unusable state, however, it was in fact used commercially and had been for over ten years. He informed members that the garage could accommodate 4 cars. He referred to there being no issues with highway safety, the site being located within a sustainable location and development limits.

The Committee was then addressed by Cllr. Brennie Halse speaking on behalf of the Chairman of Chard Town Council Planning Committee who was unable to attend the meeting. The Town Council had voted to refuse the application on the grounds of highway safety. Concerns were also raised regarding traffic congestion at the entrance into Glynswood. Reference was made to the veterinary surgery allowing the track to be parked on and it not being owned by the applicant. The track was not designed to take traffic and the proposed development was not in keeping with the area.

Ward Member, Cllr. Martin Wale raised concerns over highway safety. The front of the proposed properties would only be accessed by a narrow pedestrian area and all traffic movements would be in the lane which was regularly used by school children. He further

commented that the access and egress from and into Furnham Road was unsuitable and the pot holed lane was unsuitable for additional traffic.

During the ensuing discussion, members raised a number of issues, which included the following:

- There was nothing to stop the residents of the proposed houses from using the track;
- It was felt that traffic movements from people visiting the vets would be far more than from the proposed dwellings;
- It was questioned as to why the veterinary surgery was continuing to allow cars to park along the private access track if they were so concerned;
- The proposed location was a sustainable site to put two matching houses.

It was proposed and seconded to refuse the application on the grounds of highway safety due to the unacceptable existing access onto Furnham Road and failure to incorporate visibility splays. On being put to the vote the proposal was lost 3 in favour and 5 against.

It was subsequently proposed and seconded to approve the application as per the Planning Officer's recommendation outlined in the agenda report. On being put to the vote the proposal was carried 5 in favour and 3 against.

RESOLVED: That Planning Application No. 13/04241/FUL be **APPROVED** as per the Planning Officer's recommendation for the following reason:

01. The proposed development, by reason of its size, scale and materials, respects and relate to the character of the area and causes no unacceptable harm to residential amenity or highway safety, in accordance with the aims and objectives saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapters 4, 6 and 7 and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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: '13/096/03', '13/096/04 A' and '13/096/01 C'.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development shall be carried out on site unless particulars of materials (including the provision of samples) to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved

policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

04. The finished floor levels and ridge heights of the dwellings hereby permitted shall be carried out in accordance with the details submitted on drawing no. '13/096/04 A'. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

05. The area allocated for parking and turning on the approved plan, drawing no. '13/096/01 C', shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved works shall be provided and constructed before any work commences on the construction of the dwellings hereby permitted and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

06. The area allocated for parking and turning on the approved plan, drawing no. '13/096/01 C', 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, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

07. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development (including the approved parking area), 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, residential amenity and to protect the local water environment, in accordance with saved policies ST5, ST6 and EP9 of the South Somerset Local Plan 2006 and the provisions of chapters 4, 7 and the core planning principles of the National Planning Policy Framework.

08. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall

include details of the hours of construction, routing for construction vehicles, parking for construction and contractor's vehicles and measures to prevent the transfer of dust, mud or other waste/debris onto the public highway or adjoining private track. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

09. 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), there shall be no extensions to the dwellings hereby approved or outbuildings erected without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

(Voting: 5 in favour, 3 against)

13/04695/FUL – Siting of temporary agricultural workers mobile home, composting toilet and chick brooding house, Land adjoining Green Lane, Merriott Road, Hinton St George – Miss D Quince

The Area Lead North/East with the aid of slides and photographs summarised the details of the application as outlined in the agenda including the key considerations. The Planning Officer's recommendation was for refusal.

In response to questions, the Area Lead North/East clarified points of detail raised by members which included the following:

- The applicant could put forward a case for a permanent dwelling at the end of the 3 year temporary permission;
- With reference to the agricultural appraisal, internal advice was sought where a business case was clear. Advice from an external advisor was sought when a case was more finely balanced;
- The key issue when looking at rural businesses was to consider whether there was a justified need to live on the site;
- With regard to the minimum profit or threshold, members were advised that the business should be generating the minimum agricultural workers wage which was in the region of £15-16,000;
- The applicant was fully aware of the criteria that needed to be met as there had been previous submitted applications;
- In relation to the poultry business, the predicted turnover was 10 chicks a week;
- The proposed brooding house was not on site at the present time;
- Reference was made to there being no costs for installing equipment;
- The Economic Development Officer was still supportive of the business but felt that there was not a clear case for living on the site.

The Committee then noted the comments of Emma Way in support of the application. She informed members that she was a local resident, a current and future customer of the applicant and was also speaking on behalf of 17 others who had written in support of the application. She had always understood that SSDC were proactive in their approach regarding economic development and sustainable growth and felt that it was the role of the Council to facilitate these enterprises. She commented that the applicant would be producing high quality products and that there was good evidence that there was room for the business to grow. Reference was also made to the local shop identifying the need for good quality local free range produce and that the proposal would help to achieve the shop's own objectives.

The Committee was addressed by the applicant, Dawn Quince in support of the application. With the agreement of the Chairman she was permitted to speak for 6 minutes. Points raised included the following:

- It was important for her business to start slowly and for her to work up towards her goal. Reference was made to the number of birds she predicted to turnover by Year 3;
- The chickens were also part of the 2012 application;
- Clarification over the agricultural worker wage;
- The background and history of her business;
- She was confident that she had already found 3 customers for the chickens;
- The site was ideally suited for poultry with good drainage;
- She was unable to move forward with her business unless there was a presence on the site;
- It had taken a long time and a lot of hard work to get to the current stage;
- The cost of purchasing the brooding house was not included in the start up costs as it would be purchased from savings.

During the ensuing discussion, a number of views were expressed by members, which included the following:

- It was felt that small businesses should be encouraged;
- The permission was only temporary;
- The applicant would need to prove the viability of the business at the end of the temporary permission;
- There were no landscape objections;
- There was strong local support for the business;
- The applicant should be given the benefit of the doubt;
- The chickens should not be left alone and needed extra care and attention;
- It was felt that a chicken and salad crop business did not mix;
- Concerns over how the business would operate.

It was proposed and seconded to approve the application contrary to the Planning Officer's recommendation subject to temporary permission (mobile home and toilet to be removed by 1st March 2017). On being put to the vote the proposal was carried 8 in favour and 2 against.

RESOLVED: That Planning Application No. 13/04695/FUL be **APPROVED** contrary to the Planning Officer's recommendation for the following reason:

01. The proposal as planned creates a functional need to live on site and deserves the chance to demonstrate that it can be financially viable and there are no highway or landscape objections and therefore it

complies with the aims and objectives of saved policies ST3 and HG15 of the South Somerset Local Plan (adopted April 2006) and the NPPF chapter 6.

SUBJECT TO THE FOLLOWING CONDITIONS:

01. The agricultural workers mobile home and composting toilet hereby approved shall only be occupied by someone engaged in agricultural activities at the site known as Land Adjoining Green Lane, Merriott Road, Hinton St George and shall be removed on or before the 31 March 2017. Thereafter the land shall be restored to its previous agricultural use.

Reason: To allow three years to demonstrate that the agricultural business is viable in accordance with saved policy HG15 of the South Somerset Local Plan

(Voting: 8 in favour, 2 against)

13/00875/FUL – Erection of two storey extension to dwellinghouse, 1 Mill Lane, Forton, Chard – Mr Michael Farthing

The Planning Officer updated members that the applicant had made a request for two photographs to be shown of another site where a similar extension had been allowed on appeal. Unfortunately, the request was made too late and the photographs could not be shown.

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the agenda report. He commented that the red line on one of the submitted plans was inaccurate but as there were other sufficient plans submitted, it was not a cause for concern. The main concerns with the application related to bulk and scale of the proposed extension. The applicant had carried out pre-application discussions and had indicated that the proposed extension was as small as possible in order to meet his needs. The Officer's recommendation was to refuse the application.

In response to questions, the Planning Officer clarified points of detail raised by members which included the following:

- Clarification over the area of the proposed site compared to the area of the garden;
- Clarification over the exact siting of the proposed extension including impact on the streetscene;
- Under permitted development rights, a property could be extended by quite a percentage;
- Under Policy ST5 and ST6, development should respect and relate to the character of the property. It was considered that the proposed application was out of scale and out of keeping with the existing property;
- The property would be extended by a further 3.4m.

The Committee was addressed by the Applicant, Mike Farthing who informed members that he had lived in the village since 1996 and that his family had outgrown his existing cottage. The options to extend were limited due to the layout of the property and the garden. He commented that the extension would be subservient to the cottage as a whole. The property could only be glimpsed from the road and would be screened by small hedges. He referred to another approved development that had achieved an identical design, was adjacent to the road and much more prominent.

Ward Member, Cllr. Andrew Turpin commented that Tatworth and Forton Parish Council fully supported the application, there were no objections from local residents and the only person affected by the development had written in support of the application. He was of the view that there was no impact on the adjoining properties and that the building was already different. He further commented that there were very few houses in the village that could accommodate children and the applicant had made it very clear that this was his only choice if he wanted to continue living in the village. He fully supported the application.

During the ensuing discussion, members made the following points in support of the application:

- Local knowledge was very important;
- There were no objections to the application from local residents or the parish council;
- The properties could not be seen when driving past;
- If similar materials were used as on the existing property, the proposed extension would not be out of keeping;
- There would be no impact on the streetscene;
- Any character from the original property had already gone;
- The proposal would square the end of the property up.

It was proposed and seconded to approve the application contrary to the Planning Officer's recommendation. On being put to the vote the proposal was carried 9 in favour and 1 against. It was agreed that the conditions would be agreed in conjunction with the Planning Officer, Ward Member and Chairman.

RESOLVED: That Planning Application No. 13/00875/FUL be **APPROVED** contrary to the Planning Officer's recommendation.

The conditions to be agreed in conjunction with the Planning Officer, Ward Member and Chairman.

(Voting: 9 in favour, 1 against)

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Chairman