

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Council Offices Churchfield Wincanton on Wednesday 7 December 2016.**

(9.00 am - 12.40 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Beech	Tim Inglefield (until 12.09pm)
Tony Capozzoli	Mike Lewis
Sarah Dyke	David Norris
Anna Groskop	Colin Winder
Henry Hobhouse	

Officers:

Kelly Wheeler	Democratic Services Officer
Helen Rutter	Assistant Director (Communities)
Adrian Noon	Area Lead (North/East)
Tim Cook	Neighbourhood Development Officer (East)
James Divall	Neighbourhood Development Officer (East/South)
Steve Joel	Assistant Director (Health & Well-Being)
Andrew Tucker	Conservation Officer
Lee Walton	Planning Officer
Terena Isaacs	Community Support Assistant

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

126. Exclusion of the Press and Public (Agenda Item 1)

RESOLVED: that the following agenda items 2 and 3 be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)."

127. Historic Buildings at Risk (Confidential) (Agenda Item 2)

The Conservation Officer, with the aid of photographs, detailed a number of examples of case work relating specifically to historic buildings at risk in Area East.

He explained that the item would be discussed in confidential session due to the complex financial and personal issues which relate to the owners of the properties. He further explained that items on the risk register and pre-application discussions would need to remain confidential.

The Conservation Officer responded to members' questions on points of detail regarding specific cases.

RESOLVED: that members noted the report.

128. Wincanton Sports Centre Update Report (Agenda Item 3)

The Committee welcomed the Assistant Director (Health and Well-Being) to deliver his report to members. He provided an update on the performance of the Wincanton Sports Centre and advised members that the end of year figures for 2015/16 and the half year results for 2017-18 contained within the report.

He informed members that the switchover in management to LED was working well and that there had been a growth in income.

During the discussion, it was noted that there was a small catchment area of customers for the centre due to its rural location. Public transport options to the centre were discussed.

He further advised that the management at the centre were working hard to encourage further use of the swimming pool and that an extension to the gym area was being considered

Members offered praise to LED and to the facility.

RESOLVED: that the report be noted

129. Minutes of Previous Meeting (Agenda Item 4)

The minutes of the previous meeting held on Wednesday 9th November, copies of which had been circulated, were agreed and signed by the Chairman.

130. Apologies for absence (Agenda Item 5)

An apology of absence had been received from Councillor William Wallace.

131. Declarations of Interest (Agenda Item 6)

Councillors Mike Lewis and Anna Groskop, members of SCC (Somerset County Council), would only declare a personal interest in any business on the agenda where there was a financial benefit or gain or advantage to SCC which would be at the cost or to the financial disadvantage of SSCDC.

Councillor Henry Hobhouse declared a personal interest in agenda item 12 (Community Capital Grant Request for Castle Cary Moat Garden Committee towards the purchase of the Moat Garden). He left the room during discussion of the item)

132. Public Participation at Committees (Agenda Item 7)

Questions/Comments from members of the public

Colin Kay, addressed members to express his concern over the proposed Waste Transfer Station at Dimmer and for the safety of residents that live along and use the B3153. HGV's cannot pass on this road and felt that a further increase in traffic would be dangerous for vehicle drivers, horse riders and cyclists. He further advised that there were numerous houses for sale within Clanville and though that this was due to the traffic issues. He suggested that there are many accidents on the road which go unreported.

Trevor Tuck, representing Sparkford Parish Council, addressed the Committee. He explained to members that there were still ongoing drainage/sewerage issues in Sparkford which had not yet been resolved by Wessex Water. He described a recent problem in Sparkford where sewerage had overflowed onto Church Road in Sparkford following a heavy amount of rain. He advised that the current system is insufficient and is unable to cope and hoped the planning department would consider this issue when determining planning applications.

The Assistant Director (Communities) agreed to pass these comments to the Development Manager.

Questions/Comments from representatives of parish/town councils

Pek Peppin, representing Castle Cary Town Council, addressed the Committee. She explained to members that the Waste Transfer Station which was proposed at Dimmer, was being considered by the Somerset Waste Board and the Somerset Waste Partnership without public consultation. She advised that the road was inadequate and had previously been described by a Planning Inspector as being 'no more than a county lane'. She advised members that the lorries using this road were dangerous and that in some parts, cannot pass on the lane. She hoped that the decision would be made following a full consultation with residents and Parish/Town Councils.

Martin Roberts, representing Cary Moor Parish Council, addressed the Committee. He further explained the problems which were occurring on the B3153 due to HGV's on the road. Although he supported recycling, he was surprised and upset that a full consultation hadn't been carried out for the proposed scheme at Dimmer. He hoped that the decision could be delayed to allow further consultation with local residents and SSDC for this project.

Vicki Nobles, representing the Care for Cary group, addressed the Committee. She further hoped that the decision which was due to be made on the 16th December could be delayed. She further hoped that a break clause could be added to any agreement to ensure that SSC are not locked into a contract where no savings were being made. She hoped a formal request to delay the decision could be made to allow a review to be carried out to ensure that there were no better options which could be considered.

Members unanimously agreed that a formal letter to the Somerset Waste Board would be sent to request that the decision is delayed to allow public to review the proposal. It was further agreed that a copy of this letter would be sent to the Care for Cary group, the Chairman of Area East Committee and Councillor Mike Lewis.

133. Reports from Members Representing the District Council on Outside Organisations (Agenda Item 8)

Councillor Sarah Dyke advised members that the Access for All Solutions 'Aspirations and Challenges' event was being held on the 19th January at The Gateway, Yeovil.

134. Date of Next Meeting (Agenda Item 9)

Members noted that the next scheduled meeting of the Area East Committee would be held on Wednesday 11th January 2017 at The Council Offices, Churchfields, Wincanton at 9am.

135. Chairman Announcements (Agenda Item 10)

The Chairman advised that the Annual Town and Parish Council meeting was being held on Monday 23rd January 2017. He hoped members would encourage attendance from the Parish/Town Councils.

136. Retail Support Initiative Grant Application - Wincanton and Wincanton Top-Up (Agenda Item 11)

The Community Support Assistant explained that the application had been discussed at the November meeting of the Area East Committee, but had been deferred and had now returned to Committee for a decision.

She explained that the property had been previously advertised online as being available to purchase at auction, which was an error and had now been removed from the internet. She further clarified that the owner of the property would not be willing to accept a charge on the property to safeguard the grant in the event that the building would be sold or if the business failed.

Following the discussion, it was proposed and seconded that the grant be awarded as detailed in the agenda report. On being put to the vote, this was carried 8 votes in favour with 1 abstention.

RESOLVED: that members awarded £1840 as a 50% contribution to The Red Lion, 3 Market Place, Wincanton, towards pub front improvements and signage;

- £1,500 from the Community Development budget revenue element ring-fenced for the RSI
- £340 from the Community Development budget, Wincanton top-up, revenue element ring-fenced for the RSI

All awards to be subject to the following standard conditions:

- (a) The grant award may be used by SSDC for promotional/publicity purposes
- (b) Grants are paid for approved works/purchases on production of receipted invoices and subject to a visual inspection to confirm completion
- (c) Awards are subject to feedback being supplied within 12 months
- (d) Applicants will normally be expected to draw down the grant within 6 months of the offer
- (e) That appropriate consents are obtained

- (f) Works requiring listed building/planning consents or building regulations will be required to be signed off by the appropriate officer prior to the release of funds
- (g) If, within 3 years of a grant award, the business ceases to trade, the District Council reserves the right to reclaim the grant on the following basis: year one – 100%; year 2 – 75%, year 3 – 45%

(Voting: 8 in support, 1 abstention)

137. Community Capital Grant Requests (Agenda Item 12)

The Area Development Team Lead and the Neighbourhood Development Officer presented the report to members. The 6 recommendations on the agenda report were discussed and voted on individually.

Recommendation 1;

Following discussion of the Galhampton Village Hall and Castle Cary and Ansford Fairfield project, it was proposed and seconded that this be agreed as detailed in recommendation 1 of the agenda report. On being put to the vote, this was carried unanimously.

Recommendation 2;

Following a short discussion, it was proposed and seconded that members agree to top up the Community Capital Budget from the Parish Infrastructure Budget as detailed in recommendation 2 of the agenda report. On being put to the vote, this was carried unanimously.

Recommendation 3;

Following a short discussion, it was proposed and seconded that members agree the contribution to Sutton Montis Village Hall, as detailed in recommendation 3 of the agenda report. On being put to the vote, this was carried unanimously.

Recommendation 4;

(Having earlier declared a personal interest, Councillor Hobhouse left the room during discussion of this item)

Anne Jelliffe spoke in support of the grant application for the Moat Garden. She explained that she had always assumed that this valuable land had belonged to the Town Council and was upset when she realised that it was going to be sold. She explained that a charity had been set up to purchase the land which was used by so many residents and visitors to Castle Cary.

Following the short discussion, it was proposed and seconded that the grant be awarded as detailed in recommendation 4 of the agenda report. On being put to the vote, this was carried unanimously.

Recommendation 5;

Following the short discussion, it was proposed and seconded that the grant be awarded as detailed in recommendation 5 of the agenda report. On being put to the vote, this was carried unanimously.

Recommendation 6;

Following the short discussion, it was proposed and seconded that the grant be awarded as detailed in recommendation 6 of the agenda report. On being put to the vote, this was carried unanimously.

RESOLVED: that members agreed the recommendations as detailed in the agenda report, subject to the standard conditions set out in appendix A of the report as follows;

- 1) Members agreed to extend the allocation to Galhampton Village Hall and the Castle Cary & Ansford Fairfield project for a further 6 months.
- 2) Members agreed to top up the Community Capital Budget by £17,000 from the Parish Infrastructure budget.
- 3) Members agreed a contribution of up to £6,904 (36% of the total project costs) from the Community Capital Budget to Sutton Montis Village Hall Committee towards the refurbishment of Sutton Montis VH, subject to the standard conditions set out in appendix A
- 4) Members agreed a contribution of up to £5,800 (48% of the total project costs) from the Community Capital Budget to Castle Cary Moat Garden Committee towards the purchase of the Moat Garden, subject to undertaking an access audit and the standard conditions set out in appendix A; with funding released following exchange of contracts. (Charity number 1169894)
- 5) Members agreed a contribution of up to £5,326 (15% of the total project costs) from the Community Capital budget to Carymoor Environmental Centre towards the £35156 project, subject to the standard conditions set out in appendix A
- 6) Members agreed a contribution of up to £1,937 (41% of the total project costs) from the Community Capital Budget to Henstridge Village Hall towards the purchases of tables and chairs.

(Voting: *Unanimous in favour*)

138. Highways Update Report (Agenda Item 13)

The Assistant Highway Service Manager presented his report. He explained that there were no updates to the report.

He advised members that the Alford scheme of resurfacing would be a priority project going forward.

During the discussion, flooding at Cockhill, Castle Cary was mentioned. The Assistant Highway Service Manager explained that he was working to resolve these issues.

RESOLVED: members noted the report.

139. Area East Committee Forward Plan (Agenda Item 14)

The Area Lead Development Officer informed members that the Welfare Benefits update report and the Local Housing Needs report would be scheduled for the March meeting of the Area East Committee. He further advised that the Village Halls report to be removed from the Area East Forward Plan would be covered within the Area Development Service Plan report.

He further advised that there would be a report on Tolbury Mill would be scheduled for the February meeting of the Committee.

RESOLVED: members noted the Area East Forward Plan subject to the following amendments;

- Welfare Benefits Service report –Move to March
- Local Housing Needs report – Move to March
- Village Halls in Area East – Removed
- Tolbury Mill report - February

140. Planning Appeal (For Information Only) (Agenda Item 15)

Members noted the appeal decisions which had been received.

141. Schedule of Planning Applications to be Determined by Committee (Agenda Item 16)

Members noted the Schedule of Planning Applications to be determined by Committee.

142. 15/03274/FUL - Land off Cuckoo Hill, Bruton (Agenda Item 17)

Application Proposal: Development of 68 homes and associated car parking, public open space and infrastructure

The planning officer presented his report to members with the aid of a PowerPoint presentation which included photographs and plans of the proposed scheme.

He explained to members that the application had been approved at Area East Committee approximately one year, subject to a S106 agreement but that issues had arisen in terms of viability of the scheme. He explained to members that the financial obligations which had been agreed would remain the same, but that there was now a reduction in the amount of affordable homes proposed. It was now proposed that only 20% of the scheme would be affordable, which amounted to 12 homes. He advised that the District Valuer had confirmed that this was viable. He further advised there had been some minor alterations to the design of the dwellings and a revised footpath route and recommended that the application be approved.

During the discussion, the new footpath route was indicated on the plans and drainage within the site was discussed.

Mr Bishton, representing the Bruton Trust, spoke in support of the application. He explained to members that this was the only large available space for housing in Bruton.

He spoke favourable of the design and the works which had already been carried to alleviate flooding.

Mr H Sedman, the applicant, addressed the Committee. He explained to the Committee that their aim was to build unique and contemporary homes that Bruton could be proud of. He was disappointed that due to dramatic increases in build costs, they had not started works on site, but following a viability appraisal and the revisions to the application, he was happy that the houses could now be provided.

Councillor Anna Groskop, Ward Member, spoke in support of the application. She informed the Committee that suitable land is in short supply and that there is a huge demand for housing in Bruton. She advised that the Town Council support the application and hoped that the area of green land within the site would be for recreational use only.

During the discussion, concerns over flooding were raised. It was also suggested that cycle paths within the site would be welcomed.

Following the discussion, it was proposed and seconded that the planning application should be approved as per the officer recommendation and subject to conditions as detailed in the agenda report.

On being put to the vote, this was carried unanimously in support.

RESOLVED: that planning permission be **approved**, as per the officer recommendation, subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure;

- (i) Contributions towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £9,167 towards enhancing the youth facility provision at Jubilee Park, Bruton.
 - £24,695 towards enhancing the playing pitch provision at Jubilee Park, Bruton.
 - £50,139 towards enhancing the changing room provision at Jubilee Park, Bruton.
 - £25,044 as a commuted sum towards the above local facilities
 - £32,355 towards enhancing the community hall provision in Bruton;
 - Monitoring fee of 1% - £1,414
- (ii) The provision of an on-site LEAP to the satisfaction of the Assistant Director (Wellbeing).
- (iii) 12 dwellings as affordable dwellings (6 one-bedroom flats, 4 two-bedroom flats and 2 two-bedroom houses for social rent) to the satisfaction of the Development Manager in consultation acceptable to the Corporate Strategic Housing Manager.
- (iv) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority

- (v) Off-site highways and footway improvements, including two crossing points on the A359 any contribution necessarily to the full cost of applying for any Traffic Regulation Orders to the satisfaction of the Development Manager in consultation with the County Highways Authority

For the following reason;

- 01. Notwithstanding the local concerns the provision of 68 dwellings, which would contribute to the district Council's housing shortfall and make provision for enhancements to drainage, highways safety and community facilities and without undue impacts in terms of landscape, residential amenity, ecology, drainage or highway safety. As such the proposal accords with the policies of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING CONDITIONS;

- 01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

- 02. Unless required otherwise by conditions attached to this permission the development hereby permitted shall be carried out in accordance with the plans set out below.

DRAWING	DRAWING NUMBER
Site Location Plan	13-063-203
Site Layout Plan	A212_S2 P8 A205_S2 P1
House-type Plans	Housetype A: A101_S2P3; A102_S2P3 Housetype B: A104_S2P3; A105_S2P3; Housetype C: A107_S2P2; A108_S2P2; Housetype E: A114_S2P2; A115_S2P2; Housetype F: A117_S2P2; A118_S2P2; Housetype H: A123_S2P2; A124_S2P2 Housetype I: A129_S2P1; A130_S2P1; A153_S2P1; Housetype K: A132_S2P2; A133_S2P2; Housetype L: A135_S2P2; A136_S2P2; Housetype M: A154_S2P3; A155_S2P1; A156_S2P1; Housetype S1-1B: A138_S2P1; A139_S2P1; Housetype S2-2B: A150_S2P2; A151_S2P2; Housetype S2: A141_S2P1; A142_S2P1; Housetype S3: A133_S2P1; A145_S2P1; Housetype S4: A147_S2P1; A148_S2P1;
Cross Section of Culvert	12258-CD06
Proposed Culvert Arrangement	12258-CD07
Proposed Street Furniture	12258-CH05

Existing Foliage to be Removed	12258-CH06
White Lines and Signage for Junction	12258-CH07
Access Cross-Sections and Contours	12258-CH08
Vehicle Tracking for New Junction	12258-CH09
Proposed Junction Surface Finishes	12258-CH10
Proposed Puffin Crossing	FMW1192T-SK17
Proposed Pedestrian Crossing	12258-CH-31
Drainage Layout	FMW1192T-SK01_G
Drainage Route Sketch	12258/SK18A
Hardworks Layout 1/3	13-21-PL-33
Hardworks Layout 2/3	13-21-PL-34
Hardworks Layout 3/3	13-21-PL-35
Tree Removal & Retention Plan	13-21-40_A
Tree Removal Drainage Sketch	12258-CH-31
Capco Playspace Plan 1/2	CAPCO_BL_DD_PL02
Capco Playspace Plan 2/2	CAPCO_BL_DD_PL03

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

03. Notwithstanding the details shown in the submitted plans, no dwellings hereby approved shall be commenced until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a) details of materials and positioning where appropriate (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b) details of the recessing, cills and lintels, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - c) details of all hardstanding and boundaries
 - d) details of the rainwater goods and eaves and verge treatments.
 - e) Details of meter boxes, any external aerials/satellite dishes, vents, flues and extracts

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

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

04. No development hereby approved shall be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such scheme shall include measures to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

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

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

06. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Such strategy scheme shall include appropriate arrangements for the agreed points of connection and provision for capacity improvements as required to serve the development. Once approved the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: In the interests of residential amenity and to ensure that proper provision is made for sewerage of the site in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

07. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, 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 unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

08. The works shall be implemented in accordance with details of the proposed bat compensation/mitigation measures (as outlined in 'Bat Addendum', Sep 2015, Clarkson and Woods Associates), and as modified to meet the requirements of the 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Plots 28 and 29 shall not be sold or occupied until inspection and written confirmation, by a Natural England licenced bat consultant, that compensatory bat roosting features have been provided in accordance with the bat compensation proposals and/or the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, has been submitted to and approved in writing by the Local Planning Authority.

If the demolition of Frome House or its outbuildings hasn't been completed by 31st March 2017, then a further survey shall be undertaken to ascertain any changes

in bat presence or activity before demolition work commences. Such survey shall be submitted to the local planning authority and approved in writing before work commences along with any further mitigation or compensation proposals that may be necessary as a result of any significant changes in bat presence or activity. Any amended compensation/mitigation measures shall thereafter be implemented as agreed.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

09. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, 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 highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

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 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 highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

11. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety and the amenities of the locality in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028.

12. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access from Frome Road (A359) and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

13. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, measures to prevent mud/debris being deposited on the highways by vehicles leaving the site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

14. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials, a scheme of tree planting, a Tree Protection Plan and an Arboricultural Method Statement relating to all retained trees on or adjoining the site shall be drafted so as to conform to British Standard 5837: 2005. Such Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing with the Council and it shall include:

- a) details of any required tree works so as to conform to BS 3998:2010 - Tree Works;
- b) plans detailing root protection areas, construction exclusion zones and the installation of tree protection fencing;
- c) layout plans showing the locations of required below-ground services
- d) special tree protection and engineering measures for any approved installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees;
- e) a scheme of arboricultural on-site supervision, monitoring and certificates of compliance relating to the tree protection measures.

Upon implementation of this planning permission, the measures as specified within the agreed scheme of tree planting, the Tree Protection Plan and the Arboricultural Method Statement shall be implemented in their entirety for the duration of construction, inclusive of any landscaping measures.

Reason : To safeguard existing trees in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

15. All planting, seeding or turfing comprised in the Landscaping Proposals as shown on drawing 13-31-30 shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 give written approval to any variation.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

16. No dwelling hereby approved shall be occupied out until a scheme of maintenance and management of the structural and open space planting has been submitted to and approved in writing by the local planning authority. Once approved such regime shall be adhered to at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

17. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains of past industrial use, are found at any time when carrying out the approved development al work shall cease, unless agreed otherwise in writing by the LPA and the findings must be reported in writing to the local planning authority within 14 days. If the LPA considers it necessary, an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary, a remediation scheme must be submitted to and approved in writing by the LPA and thereafter all works on site shall be carried out in accordance with the agreed scheme.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EQ7 of the South Somerset Local Plan 2006-2028.

18. Unless agreed otherwise in writing, no dwelling hereby occupied shall be occupied until such time as the details and specifications of the play equipment within the LEAP, along with a timetable for its installation have been submitted to, and agreed in writing, by the local planning authority. Once approved such details shall be fully implemented in accordance with the approved details and not thereafter altered without the prior written agreement of the local planning authority.

Reason: To ensure the provision of a quality environment for future occupiers in accordance with policy HW1 and EQ2 of the South Somerset Local Plan 2006-2028

Informatives

1. You are reminded that development, insofar as it affects a right of way should not be started and the right of way should be kept open for public use until the necessary diversion/stopping up order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
2. You are reminded that there should be no removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.
3. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) may be required from Natural England. You will need to liaise with your

ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.

4. It is suggested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
5. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.
6. It should be noted that given the nature and scale of the works required to create the proposed new access, it is likely that these works will need to be secured via a suitable legal agreement rather than a standard 184 Licence. Please contact the Highway Authority to progress this agreement well in advance of commencement of development.
7. The developer delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.
8. Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.
9. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).
10. The details to be provided in connection with condition 5 should include details of an annual maintenance regime of the ditch to the north of the site.

(Voting: *Unanimous in favour*)

143. 16/03158/OUT - Land OS 0069 Whitechurch Lane, Henstridge (Agenda Item 18)

Application Proposal: Erection of affordable dwelling for elderly persons

The Planning Officer presented his report to members with the aid of a PowerPoint presentation which included photographs and illustrative plans.

He explained that he had received 2 additional letters of representation since the report was published, one was a letter of support and the other was a letter in objection to the proposal.

He explained that a similar application for a bungalow had recently been approved at Area East Committee within the same hamlet of Whitechurch, however pointed out that this application site differed slightly. He recommended that the application be refused.

Mr S Cullum and Mrs J Bates spoke in objection to the planning application. Their comments included;

- This is a blot on the landscape which will impact the village
- There is no shop, bus service or facilities in the hamlet and the owner will require a vehicle
- A number of residents object to the application
- Letters of support were from residents outside of Whitechurch
- A precedent will be set
- The last bungalow was an infill, this site is not an infill, it is outside of the hamlet

Mr H Bentley-Marchant, Mrs D Heath, Mr Duffy and Mrs Donald spoke in support of the application. Their comments included;

- The bungalow would allow the applicants to remain within the community
- Other houses have been approved within the hamlet
- The bungalow will barely be visible from the lane
- Downsizing would allow the applicant to remain close to the land which they farm
- Bungalow should be approved to allow applicant to retire in their own home

Mr Raymond, the applicant, addressed the Committee. He advised members that he had lived in Whitechurch for over 40 years and that he wished to remain on the land in a bungalow. He explained that with the help of his family he hoped to continue farming on the land.

Mr Williams, the planning agent, addressed the Committee. He explained that he was disappointed that the similar application for a retirement bungalow which had been recently approved was not mentioned within the report. He pointed out that this site was only 100m south of the application site. He pointed out that the application was for a small bungalow, which was next to existing farm buildings and would not look out of place.

Councillor Tim Inglefield, the Ward Member, explained that although he recognised that the applicant had lived and played an important part in the community, he expressed his concern that the site was situated north of the natural boundary of Whitechurch. He was further concerned that the bungalow could impact the view of the countryside.

During the discussion, members mentioned the Rural Action Plan and suggested that a site visit be arranged to allow members to view the site.

It was proposed and seconded that the application be deferred to a later meeting of the Committee to allow a site visit to take place.

On being put to the vote, this proposal was not carried with 2 votes in support, 5 against and 1 abstention.

It was subsequently proposed and seconded that the application should be approved, subject to conditions, contrary to the officer recommendation. Members thought that the proposal met the needs of the Rural Action Plan and subject to conditions to ensure that the dwelling was single storey only should be approved. On being put to the vote, this was carried 6 in support and 2 against.

RESOLVED: that planning application 16/03158/OUT be **approved**, subject to conditions, contrary to the officer recommendation for the following reason;

01. The proposal constitutes an acceptable form of development, in a sustainable location, that would meet a local need as identified by the Rural Action Plan, without detriment to visual or residential amenity or highways safety. As such the proposal complies with policies SS2, EQ2 and TA5 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING CONDITIONS;

01. Approval of access, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

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.

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

03. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004)

04. The development hereby permitted shall be carried out in accordance with the following approved plans: P-100 received 20 July 2016.

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

05. The dwelling hereby permitted shall be single storey only.

Reason: To avoid any ambiguity as to what is anticipated to come forward.

(Voting: 6 in support, 2 against)

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Chairman