

## South Somerset District Council

**Minutes** of a meeting of the **Area West Committee** held as a **Virtual Meeting** using **Zoom meeting software on Wednesday 12 August 2020.**

(5.00 pm - 7.20 pm)

**Present:**

**Members:** Councillor Jason Baker (Chairman)

Mike Best  
Dave Bulmer  
Martin Carnell  
Brian Hamilton  
Val Keitch  
Jenny Kenton

Sue Osborne  
Robin Pailthorpe  
Oliver Patrick  
Linda Vijeh  
Martin Wale



**Officers:**

Paula Goddard  
Barry James  
Linda Hayden  
Adam Garland  
Becky Sanders  
Michelle Mainwaring  
Angela Cox

Specialist (Legal Services)  
Interim Planning Lead Specialist  
Specialist - Development Management  
Principal Planning Liaison Officer, SCC  
Case Officer (Strategy & Commissioning)  
Case Officer (Strategy & Commissioning)  
Specialist (Democratic Services)

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

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**316. To approve as a correct record the Minutes of the Previous Meeting (Agenda Item 1)**

The minutes of the previous meeting held on 15<sup>th</sup> July 2020 were approved as a correct record and signed by the Chairman.

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**317. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Paul Maxwell, Ben Hodgson and Tricia O'Brien (due to IT issues).

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**318. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest made by Members of the Committee.

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**319. Date and Venue for Next Meeting (Agenda Item 4)**

Members noted that the next meeting of the Area West Committee was scheduled to be held on Wednesday 16<sup>th</sup> September 2020 at 5.30pm using Zoom virtual meeting software.

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**320. Public Question Time (Agenda Item 5)**

There were no questions from the public.

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**321. Chairman's Announcements (Agenda Item 6)**

There were no announcements from the Chairman.

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**322. Area West Committee - Forward Plan (Agenda Item 7)**

During discussion, it was confirmed that some of the reports would be delayed as officers had been redeployed during the Covid-19 pandemic. It was confirmed that the reports on the Ilminster Forum and Meeting House Arts Centre, Ilminster, would be presented in October 2020. It was also confirmed that the request to inspect trees at the Chard Eastern Development site would be followed up and a report date agreed.

**RESOLVED:** That the Area West Committee Forward Plan be noted.

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**323. Planning Appeals (Agenda Item 8)**

Members noted the report which gave details of appeal received. It was mentioned that one appeal had resulted in an award of costs against the Council.

**RESOLVED:** That the report be noted.

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**324. Schedule of Planning Applications to be Determined by Committee (Agenda Item 9)**

Members noted the schedule of planning applications to be determined by the Committee.

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**325. Planning Application: 19/01053/FUL\*\* - Land at Thorhild, Tatworth Road, Chard (Agenda Item 10)**

***Proposed residential development for the erection of 94 dwellings, formation of vehicular access from Tatworth Road and associated works***

The Interim Planning Lead officer introduced the report with the assistance of a power point presentation of maps and photographs of the site, and, advised that the site sat between the Keir site to the north which already had permission for 200 houses and the

Persimmon site to the south which currently had an application pending for housing. All of the site was within the allocated Chard Eastern Development Area in the Local Plan. The access from the site to Holbear to the west of the site would be a pedestrian and cycle access only. The only vehicular access would be from the A358 and a bus stop was proposed just outside the access point. Having gone through a viability assessment the affordable housing element had reduced from 35% to 19% and the affordable housing was mainly to the west of the site. Both Chard TC and Tatworth and Forton PC recommended refusal of the application and 16 letters of objection had been received citing community safety, lack of infrastructure, density and lack of contributions to new roads and schools. But the site was allocated for development within the Local Plan and his recommendation was to approve the application. He concluded that the Highway Officer from SCC was in attendance to clarify any highway issues.

In response to questions from Members, the Interim Planning Lead officer and the Highway Officer clarified:-

- The proposed garages were 6m x 3m for a single garage and 6m x 6m for a double which was the larger size. This was the external dimension.
- The approximate walking distance to the town centre was 15 to 20 minutes and the trading estate, school and Tesco store were 20 to 25 minutes.
- There was no detail on primary and secondary school capacity and the point at which new developments would trigger the building of a new school.
- The Transport assessment figures were assessed on their own merits and the cumulative impact was for the LPA to consider as part of their review of the Local Plan when considering the impact of the development on the Convent junction in the town centre and the roads around the town.
- The Lead Local Flood Authority had been consulted on the position of the attenuation pond and were aware of the adjacent Persimmon development site.
- The housing officer had been consulted on the affordable housing element but their location along the A358 could be checked as the policy was to spread them out across the development.
- The Lead Local Flood Authority were working on a water attenuation guide for developers.
- Electric Vehicle charging points could be channelled throughout the site.
- A bollard could be part of a condition to obstruct the vehicular use of the pedestrian access to Holbear.
- The garages would be considered as safe storage for cycles and for those properties without a garage there would a secure loop or some other measure provided.
- The site plan would be provided to the utility company who would take account of the electricity feed required for the area.
- The site was self-contained and could be developed without relying on any other site coming forward.
- A bus shelter was proposed on the main road outside the site.
- The most effective way to manage the sequence of development in the town was through a Local Plan document which set out the phasing or limiting of the development but there needed to be evidence to indicate significant cumulative effects of each development site.
- The site had already been through the Local Plan process and had been deemed acceptable for residential development.
- There was sufficient infrastructure in the town to serve the site.

- If the relevant technical consultees did not object to the development then Members would require very strong planning reasons to refuse the application.
- Additional infrastructure within the town could only be funded through CIL payments if there was mitigation required as a result of the development. The TRICS database of traffic flow and figures suggested that 50 to 60 vehicles at peak hours would be created by the development. This equated to one per minute but they would be dispersed across the road network and so the ability to ask for infrastructure payments was limited. Also the development proposed a bus stop and alternative cycling/walking route which further mitigated the need for any further infrastructure.
- The applicants had submitted a Statement of Community Involvement.
- Condition 4 covered the pedestrian access track to Holbear.
- Transport assessments would be submitted with each significant development which should contain TRICS information on the potential traffic impact of the development and these could be assessed for the overall impact across the network, possibly as part of the Local Plan review.
- The reduction in affordable housing was disappointing however the policy allowed, subject to a viability assessment, for a reduced number on some sites.
- The path from the site through Holbear would be a walking route to the town and not a public right of way on the definitive footpath map.

The Committee were then addressed by a resident of Holbear who spoke in opposition to the development. Their comments included:-

- Loss of light during the winter months and the close proximity of the proposed houses to the existing bungalows in Holbear. The properties closest to Holbear should be bungalows to be in character with the area.
- There would be light pollution from the proposed estate. The road on the proposed development would expose properties/rear gardens in Holbear to potential criminal activity. Also the proposed walking/cycling access through Holbear would open it as a thoroughfare when it had no footpath and there were a number of blind junctions.

The Committee were then addressed by the Agent for the applicant, whose comments included:-

- The site was allocated for residential development in the Local Plan and permission had already been granted for housing to the north of the site while an application was being considered to the south.
- The development would deliver a range of houses and tenures to meet local housing need and would contribute towards the district's housing requirement.
- The location of the affordable housing had been agreed with the housing officer and the footpath through Holbear Lane was a requirement of the planning officer to increase connectivity. There were no objections from any of the statutory consultees. Contributions would be made towards education and sports and leisure facilities.

The Ward Member, Councillor Dave Bulmer, said he was concerned about the cumulative impact of the development on the road network in the town. The majority of traffic in the town was local and this development would create more. Adding the Kier and Persimmon development sites would create severe traffic problems as the Convent junction was already running over capacity. The primary and secondary schools were at capacity and a plan was required as the Chard Eastern Development Plan was now out

of its original phasing. The developer could have done more to lessen the impact upon the neighbouring properties in Holbear as they had at the Keir site. He felt more needed to be done on the cumulative traffic impact in the area and the phasing of the developments and because of this he did not feel he could support the application.

During discussion, Members asked that an update of the Chard Eastern Development master plan be presented to them giving an indication of which sites were under construction. The following points were also made:-

- There did not appear to be any provision for disabled parking spaces.
- If the relevant consultees did not object to the development then it did not give any grounds to refuse the application.
- There was a great need for affordable homes in Chard so it was concerning that the affordable housing element had reduced from 35% to 19% at the site.
- The footpath access to Holbear was dangerous and it was not a public highway.
- The development sites to the north of Chard were supposed to have been built first to provide the link road but unfortunately they had failed to come forward.
- Indication when Phase 1 & 2 of the Chard Eastern Development Plan were due to come forward as they were due to deliver the additional road infrastructure.
- This looked like an infill site and if refused would be likely to succeed at appeal.

At the conclusion of the debate, it was proposed and seconded that permission be granted in accord with the officer's recommendation and when put to the vote, this was confirmed by 8 votes in favour and 4 against.

**RESOLVED:** That planning application 19/01055/FUL be APPROVED permission subject to:

a) 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 cover the following terms/issues:

- 1) The provision of 19% affordable housing with a split of 14 Social Rented, 4 Shared Ownership units;
- 2) Contribution towards the provision of sport, play and strategic facilities (£324,774);
- 3) Contribution towards education provision;
- 4) A travel plan and all works which affect land covered by highway rights; and
- 5) Provision and maintenance of open space.

The permission to be subject to the following:

01. This proposed development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The scheme would not adversely harm residential amenity, provide a safe means of vehicular, pedestrian and cycle access and not harm ecological interests. The development will also make contributions towards education provision, sport, play and community facilities and travel planning. The site is in a sustainable location within reasonable distance of the town centre accessible by foot and bicycle. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, HG5, TA1, TA3, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (adopted 2015), the aims and objectives of the NPPF and the Chard Regeneration Plan.

## **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 approved shall be carried out in accordance with the following approved plans:

- Drawing Register dated 15/05/2020 by Thrive Architects (SW) Ltd.

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

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

- a) materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
- b) details of the design, materials and external finish for all external doors, windows, boarding, lintels and openings;
- c) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;
- d) details of the surface material for the parking and turning areas;
- e) details of boundary details (new and existing, to include consideration of the advice of the Designing Out Crime Officer dated 20/05/2019)

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a scheme showing a network of cycleway and footpath connections (to include bollards to prevent vehicular access) has been submitted to and approved in writing by the Local Planning Authority. Before the new development is brought into use, the agreed pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with the approved scheme.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

05. The proposed landscape scheme shall be carried out in accordance with details as indicated on approved plans 'Outline Master Plan' (Drawing No. SPP.3053.001 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 policy EQ2 of the South Somerset Local Plan 2006 and the provisions of the National Planning Policy Framework.

06. Prior to commencement of the development, site vegetation clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme to protect retained trees and hedgerows during construction shall be submitted to and approved in writing by the Local Planning Authority. The approved tree/hedge protection requirements shall remain implemented in their entirety for the duration of the construction of the approved development (inclusive of hard and soft landscaping operations) and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

07. All garaging, parking and turning spaces shall be provided, laid out, surfaced, drained and (where appropriate) delineated in accordance with Drawing No. SL.01 Rev E prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business purposes and they shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided in accordance with details indicating siting and numbers of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of EVCP's for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. 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;
- A scheme to encourage the use of Public Transport amongst contractors; and measures to avoid traffic congestion impacting upon the Strategic Road Network.
- On-site vehicle wheel washing facilities.

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

10. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number SL01 rev A, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

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

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

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

12. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, 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 and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

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

14. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the



new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

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

15. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 70 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

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

16. Prior to the first occupation of any dwelling, a lighting design for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy EQ4 of the South Somerset Local Plan.

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the first occupation of the development. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management. [biodiversity enhancements including]
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully

functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the maintenance and enhancement of biodiversity generally, and in accordance with the National Planning Policy Framework and policy EQ4 of the South Somerset Local Plan.

18. Works to the dwelling at the north west corner of the development site shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
  - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that works to the dwelling will require a licence.

Reason: In the interest of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

19. Works to the dwelling in the north west corner of the development site shall not commence until:
- a) Demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. A letter confirming the induction will be submitted to the local planning authority by the licensed bat ecologist.
  - b) Two Schwegler bat boxes, to accommodate any discovered bat(s), are hung on a suitable trees on the northern boundary at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. A photograph showing its installation will be submitted to the local planning authority

Reason: In the interests of ensuring the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

20. Unless modified by Natural England licence, two Habitat 001 bat box (or similar) will be built into fabric, under the eaves and away from windows, of the westerly elevations of the row of terrace houses numbered 75 to 78. Photographs of the installed roost will be submitted to the Local Planning Authority prior to completion of construction work.

Reason: in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

21. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan.

22. Any vegetation within the construction area should be initially hand-strimmed or cut down to a height of 10cm above ground level. Additionally, any brash piles or cuttings should be removed from the site in phases; beginning from the centre of the field moving slowly outwards to give any protected species present within the grassland areas time to disperse away from the clearance team and to avoid being isolated from ecological corridors that will provide a means of escape. Clearance can occur at a maximum rate of 2ha per day, immediately followed by a 48 hour dispersal period which will occur during warm suitable weather (limited rain and wind, with temperatures of 10°C or above) to encourage any protected species that may be present in the vegetation to disperse to the surrounding habitats. After the 48 hour dispersal period, a further 2ha will then be cleared. This process will then be repeated until the site clearance is completed. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as muck heaps which potentially afford resting places for reptiles will be dismantled by hand supervised by a competent ecologist in April or August to October and any individuals found translocated. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and s41 priority species and in accordance policy EQ4 of the South Somerset Local Plan.

23. The following will be installed into or on to new dwellings:
- a) Clusters of four Schwegler 1a swift bricks or similar not less than 60cm apart will be built into the wall in northern gable ends and away from windows at least 5m above ground level in five dwellings
  - b) One Schwegler 1SP Sparrow terraces or similar under the eaves and away from windows of north elevations of twenty dwellings
  - c) One bee brick built into the wall about 1 metre above ground level on the south elevation of twenty five dwellings.

Drawings showing the installed features will be submitted to and approved by the local planning authority prior to the commencement of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

24. All ecological measures and/or works shall be carried out in accordance with the details contained in Appendix 8 of the Ecological Survey (Richard Green Ecology, dated 26 February 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Written notification of the actions and findings of the method statement will be submitted to the Local Planning Authority by the licensed ecologist at the completion of each stage of the operation.

Reason: In the interests of the strict protection of a European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

25. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure the proper recording of archaeological remains in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice contained in the NPPF.

26. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles and in accordance with the submitted Flood Risk Assessment (undertaken by AWP dated 29th March 2019) together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- o Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
  - o Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water, and the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters.
  - o Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
  - o Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
  - o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (2019) and the Technical Guidance to the National Planning Policy Framework.

#### **Informatives:**

01. The developers attention is drawn to the associated s106 agreement dated \*/\*/\*\*.
02. The developers attention is drawn to the comments of the Somerset Waste Partnership dated 18/03/2020.

03. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy.

CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement).

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk).

*(Voting: 8 in favour, 4 against, 0 abstentions)*

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**326. Planning Application: 20/00536/REM - Howley Farm, Howley, Chard (Agenda Item 11)**

***Application for reserved matters following outline approval of 18/03895/OUT seeking approval of access, appearance, landscaping, layout and scale***

The Specialist Planner introduced the application for an agricultural workers dwelling in the hamlet of Howley which was within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). She used a power point presentation to show maps and photographs of the site and the proposed dwelling and its proximity to the listed building and farm buildings. There was an existing public right of way and authorisation to cross it would have to be obtained from the County Council. The site was on a steep hillside and the proposed dwelling was to be dug into the hillside with 2m retaining walls around it. The setting of the dwelling would be above the existing listed building which would impact upon it and cause harm. The public benefit of the application was not sufficient to offset that harm and for this reason, it was proposed to refuse the application.

In response to questions from Members, the Principal Planner advised:-

- There were no objections to the application from any of the statutory consultees or neighbours.
- The Conservation officer felt the harm to the listed building was in the low to medium category.
- Outline permission for a dwelling had already been granted.
- There had been engagement with the Agent and a previous design had been proposed which had less impact upon the setting of the listed building. Unfortunately, that proposal was not taken forward, possibly because of the levels at the site.

- The planning officer for the AONB had not objected to the application from a landscape perspective.
- The older outbuildings were included within the curtilage of the listed building.
- The listed building was Grade 2.
- The houses to the north of the site were more modern and were not listed.
- The proximity of the proposed dwelling to the listed building impacted upon and disrupted the setting of the listed building to an unacceptable degree.
- The agricultural occupancy condition was imposed at the outline permission stage.

The Agent for the applicant advised that the original position of the dwelling was moved as agreed at the outline permission stage to its current position, some 1.8m lower than before. The house would be 1 ½ storeys with no dormer windows to ensure it sat comfortably within the context of the listed building and the sloping site. There were no objections from the AONB. The dwelling would be affordable to construct and would allow the farmer to live on site with quick access to his livestock. The alleged harm to the listed building was outweighed by the benefits of an agricultural workers dwelling on site.

The Ward Member, Councillor Martin Wale, said he had received no objections to the application from local residents or from the AONB. The site was on the edge of the hamlet and he felt the proposal would not affect the listed farmhouse as it was already surrounded by farm buildings. The house would be dug into the hillside to lessen the impact and he proposed that permission be granted.

The other Ward Member, Councillor Jenny Kenton, said she agreed with her fellow ward member and seconded his proposal to grant permission.

During discussion it was noted that the Conservation Officer should have explained in the report their concerns regarding the low to medium harm which the development posed to the setting of the listed building. Members also felt that the rural economy should be supported and the dwelling was required to enable the farmer to comply with the stringent animal husbandry required on a modern dairy farm.

At the conclusion of the debate, the proposal to approve the application, contrary to the officer's recommendation, and subject to conditions on plans, materials, withdrawing permitted development rights, landscaping, highways conditions and an informative on Rights of Way was put to the vote and unanimously approved.

**RESOLVED:** That planning application 20/00536/REM be APPROVED contrary to officer recommendation with the following justification and conditions:

**Reason for approval:**

This detailed scheme, by reason of its scale, layout, design, landscaping and materials, respects the character of the area without resulting in any demonstrable harm to visual amenity, residential amenity, the AONB, the historic environment or highway safety and therefore accords with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

**Conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below)  
Drawing no. p125/002  
Drawing no. p125/001  
Drawing no. p125/003A  
Drawing no. p125/105  
Drawing no. p125/120  
Drawing no. p125/104A  
Drawing no. p125/110A

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

2. No work shall be carried out above ground works on site unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a) full details of all new natural stone walls including any new boundary walls and retaining walls, to include details of materials, coursing, bonding, coping, mortar profile, colour and texture, along with a written description of the mortar mix, and supported by a sample panel provided on site;
  - b) details of the render, including colour finish
  - c) details of all timber cladding, including plank width and finish/colour
  - d) details of the roof tiles
  - e) details of the external finish, colour and recessing for all external doors and windows;
  - f) details of all roof eaves, verges and abutments and all new guttering, down pipes and other rainwater goods;
  - g) details of the surface material for the parking and turning area.

Once approved such details shall be fully implemented and shall thereafter not be altered unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the historic environment and to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the property hereby approved without the express grant of planning permission by the local planning authority.

Reason: extensions in this location will need to be assessed due to sloping ground levels and proximity to a listed building and their impact on the character of the area and visual amenity and to accord in with policies EQ2 and EQ3 of the South Somerset Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no development as specified within Schedule 2, Part 1, Class E of the GPDO erected within the curtilage of the dwelling hereby approved without the express grant of planning permission by the local planning authority.

Reason: extensions in this location will need to be assessed due to sloping ground levels and proximity to a listed building and their impact on the character of the area and visual amenity and to accord in with policies EQ2 and EQ3 of the South Somerset Local Plan.

5. No later than within the first planting season following first occupation of the dwelling hereby approved a scheme of tree and shrub planting shall be submitted to and approved in writing by the Local Planning. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the occupation of the dwelling hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

6. Prior to the first occupation of the dwelling hereby approved the access surface for the first 6 metres back from the carriageway edge shall be properly consolidated with tarmac, as stated on approved drawing no. p125/003A, and shall be maintained in the agreed form thereafter at all times.

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

7. Prior to the first occupation of the dwelling hereby approved the visibility splays as shown on approved drawing no. p125/105 shall be fully provided and shall thereafter be maintained at all times.

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

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

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

9. The areas allocated for parking and turning on approved drawing p125/003A, shall be kept clear of obstruction 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 policy TA5 and TA6 of the South Somerset Local Plan 2006-2028.

**Notes:**

1. The applicant is reminded of the need to comply with the conditions set out on planning approval 18/03895/OUT and where necessary have them formally agreed in writing
2. The applicant needs to be confident that they can demonstrate that they have an all-purpose vehicular right to the property along path CH 29/7. If they are unable to demonstrate this then they would be committing a criminal activity by driving on a public path without lawful authority.

*(Voting: unanimous in favour)*

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Chairman