

South Somerset District Council

Minutes of a virtual meeting of **Area West (Informal)** held by video-conference on **Wednesday 15 April 2020.**

(5.40 pm - 7.50 pm)

Present:

Members: Councillor Jason Baker (Chairman)

Mike Best	Tricia O'Brien
Dave Bulmer	Sue Osborne
Brian Hamilton	Robin Pailthorpe
Val Keitch	Oliver Patrick
Jenny Kenton	Linda Vijeh
Paul Maxwell	Martin Wale



Officers:

Alex Parmley	Chief Executive
Martin Woods	Director (Place)
Richard Ward	Monitoring Officer
Richard Birch	Lead Specialist (Communications, Marketing & Media)
Simon Fox	Lead Specialist - Development Management
Ian Cousins	Agency Planner
Alex Skidmore	Specialist - Development Management
Paula Goddard	Specialist - Legal Services
Becky Sanders	Case Officer (Strategy & Commissioning)
Angela Cox	Specialist - Democratic Services
Cara Cheshire	Case Officer, Strategy and Commissioning
Colin Begeman	Agency Planner
Neil Waddleton	Case Services Team Leader, Service Delivery
Tim Cook	Locality Team Manager
Jessica Power	Specialist (I.T.)

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

1. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Martin Carnell, Ben Hodgson and Garry Shortland.

2. Declarations of Interest (Agenda Item 2)

There were no declarations of interest made by Members.

3. Public Question Time (Agenda Item 3)

There were no questions from members of the public.

4. Chairman's Announcements (Agenda Item 4)

The Chairman advised that this was a consultative meeting and the decisions taken would be confirmed by the Chief Executive. Voting would be made by a named vote.

5. Area West Forward Plan (Agenda Item 5)

Councillor Mike Best requested that his report updating the committee on the ABDC (A better Crewkerne and District) be added to the next meeting agenda as it was not discussed at the last meeting which was cancelled due to current meeting restrictions.

RESOLVED: That the Area West Committee Forward Plan be noted subject to the following amendment:

- ABDC (A better Crewkerne and District) report – May 2020
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6. Schedule of Planning Applications to be Determined by Committee (Agenda Item 6)

Members noted the schedule of planning applications to be determined at the meeting.

7. Planning Application 19/00810/FUL - Land at Tail Mill, Tail Mill Lane, Merriott (Agenda Item 7)

Proposal: The erection of 2 No. commercial buildings with the provision for car parking, access and turning areas. The proposed buildings are to provide employment opportunity for SME businesses and to the local residents of Merriott

The Specialist for Development Management introduced his report and reminded Members that the application had been deferred from their February meeting for more information on the access road to the site. He advised that following negotiation, an amended road layout was proposed with a pinch point in the middle to allow for a bund and planting with a chipping surface after the first 25m to remove the urban feel of the previous road. The employment buildings proposed were not considered an issue. Further consultation on the amended plans had resulted in Merriott Parish Council, who had previously supported the application, saying the road would not be durable and the existing access was adequate. SCC Highways had not made further comments and two other representations said the site was not suitable for the vehicles using the development. He concluded that the amended plans overcame officers concerns and the recommendation was to approve the application.

In response to questions from Members, the Specialist for Development Management advised:-

- The low frequency of traffic movement and visibility would allow vehicles to give way at the pinch point.

- The existing access to the site was proposed to be blocked up and be a pedestrian access only. The new road access would be a private road
- The Parrett Trail would not cross the new access road.
- The construction of the new access road as first priority could be conditioned.

The Agent for the applicant said the development officer was fully supportive of the application and dedicated service road. The Parish Council had initially supported the application. The narrowing of the road was to create the impression of a country lane and there was ample space either side to allow two vehicles to pass.

The Ward Member, Councillor Paul Maxwell, said the application had previously been deferred because of the access road. The employment facility was welcomed but the concern was the access road. He said that the Chairman of the Parish Council had emailed him with their concerns regarding to the access across a rural field. He felt the access to the new buildings could still be achieved from the existing road layout.

During discussion some Members expressed their ongoing concern at creating a new road across the open field. The employment units were welcomed but some Members were still concerned at the proposed access. Other Members expressed their support for the amended scheme.

It was proposed and seconded that the application be refused permission as the access road was an intrusive development into open countryside, affecting biodiversity and heritage assets and its need was not proven. The reasons for refusal were given as:- The siting of the proposed access road is considered to result in development that would be visually intrusive in an area of undeveloped land and therefore harmful to the rural character of the countryside. The provision of the road is considered to visually expand the site beyond the well defined and established boundary into open countryside which would exacerbate the identified visual harm. As such, the proposal is contrary to Policy EQ2 of the South Somerset Local Plan 2006 – 2028.

This was proposed and seconded and a named vote was taken at which there were 9 votes in favour of refusal with 2 against and 0 abstentions.

RESOLVED: That members of Area West Committee recommend to the Chief Executive that planning application 19/00810/FUL be REFUSED permission, contrary to the officer's recommendation, for the following reasons:

1. The siting of the proposed access road is considered to result in development that would be visually intrusive in an area of undeveloped land and therefore harmful to the rural character of the countryside.
2. The provision of the road is considered to visually expand the site beyond the well defined and established boundary into open countryside which would exacerbate the identified visual harm. As such, the proposal is contrary to Policy EQ2 of the South Somerset Local Plan 2006 – 2028.

(Voting: 9 in favour, 2 against, 0 abstentions)

8. Planning Application 19/02921/OUT - Land Off Longstrings Lane, Holly Tree Farm, Broadshard Road, Crewkerne (Agenda Item 8)

Proposal: Outline application for the erection of 2 No. dwellings with all matters reserved except for access and landscaping

The Specialist for Development Management provided the following updates:

- A petition from the applicant in support of his application.
- Emails in support of the application from the applicant and Agent.
- Ecology details from the applicant based upon his own observations.

The Specialist for Development Management said the Council's Ecologist had confirmed that an Ecological survey should be carried out by a professional who was trained in recording habitats and species, and, if permission were granted, this would be a condition of approval. She confirmed that the Highway Authority were not objecting to the access and visibility splay as bollards were proposed to prevent vehicles parking nearby and blocking visibility. She concluded that the site was in a reasonably sustainable position but the principle concerns were landscape character and visual impact, therefore her recommendation was to refuse permission

In response to questions from Members, the Specialist for Development Management advised:-

- It was not considered appropriate to request that the applicant provide a full ecological survey as the recommendation was to refuse permission and the survey would be carried out at the applicants expense. A development in the open countryside would normally require an ecology survey.
- The third reason proposed for refusal was a technicality and if the Committee were minded to approve the application then it should be subject to a legal agreement to secure the highway conditions.
- The application site was in parking zone B of the Parking Strategy
- The last planning application at the site was for 4 dwellings. There was also a Class Q application for the reuse of existing buildings at the site.
- The nearest property was along the main road. The proposed dwellings were up a green drove and surrounded by fields although close to Crewkerne.
- Any permission granted could be subject to an appropriate ecology survey being submitted by the applicant in agreement with the Ward Members or Chairman.
- The access track was 65m from the main highway but it was not in an area where development was encouraged.
- If permission were granted it would be difficult to resist other proposed developments in the lane.

The Committee were then addressed by a local resident in support of the application. He said the only 5 letters of objection had been submitted whereas there were 28 letters of support. Two of the letters of objection related to previous application at the site. The report failed to mention the petition of over 100 signatures in support of the application. The development would have good access to local amenities and access to the site was better than other new local developments. Any landscape harm could be negotiated as part of the reserved matters application.

The Committee were then addressed by the applicant who was at the site of the proposed development. He showed views of the site and the nearest property at 50m. He said the Highway Authority unilateral undertaking could be negotiated and dealt with by condition. He said if he had been given the opportunity to provide an ecological

survey then one would have been provided. A landscape assessment had been submitted which included a newly planted orchard.

Ward Member, Councillor Mike Best, said the application had raised a great deal of questions for an application of only 2 dwellings. He felt the Highway Authority recommendations could have been agreed and he regretted that the ecology survey had not been carried out.

Ward Member, Robin Pailthorpe, said this was a small development only 50m from a large house. He did not feel that two self-build houses would be detrimental to the landscape or environment. He said they had addressed the issues raised by the Town Council. The ecologists report was required but it should not hold back the application unduly and could be requested at the next stage or be submitted prior to approval.

During discussion, the following points were made:-

- There were other properties nearby.
- Concern that not all the required information had been submitted
- Was it creating a precedent close to the edge of the town.
- Pre-application advice had not been provided.
- The Planning Inspector, in a previous refusal notification, had said that two modest dwellings could be acceptable at the site.
- There were no Highway Authority objections.
- One of the dwellings was to be self-built.
- The application was only outline and other matters could be dealt with at the reserved matters stage.

The Lead Specialist for Development Management clarified that the ecology survey must be provided and considered at the outline application stage if Members were minded to grant permission.

It was proposed and seconded that planning permission be granted subject to a suitable legal agreement being secured for the Highway Authority conditions and an ecology report being submitted and evaluated by the Council's Ecologist, both documents to be delegated to the Area West Chairman for approval in agreement with the ward members, and subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission or before the expiration of 2 years from the date of approval of Reserved Matters application, whichever is the later
2. The scale, layout and appearance of the application shall be made to the Local Planning Authority before the expiration of 3 year. from the date of this permission.
3. Condition To secure the approved plans and visibility splay
4. The development permitted shall comprise of no more than two houses with the combined internal floorspace not exceeding 1,000 sqm in area.
5. Condition to secure a detailed landscaping scheme including species.
6. A legal agreement to secure the Highway Authority conditions regarding gradient, water discharge, visibility splays and consolidated access as detailed in the report.
7. No approval be given until the submission and approval of an ecology report

On being put to the vote, the proposal was carried by 7 in favour, 2 against and 2 abstentions.

RESOLVED: That members of Area West Committee recommend to the Chief Executive that planning application 19/02921/OUT be APPROVED, subject to the prior completion of an appropriate legal agreement to secure the maintenance of the access to the site along the public right of way and also the installation of bollards to prevent vehicles from parking within the northern visibility splay and the following conditions.

Justification:

1. The proposed development, by reason of its siting and nature, is considered to be an appropriate and sustainable form of development that raises no demonstrable harm to landscape character, visual amenity, residential amenity, highway safety or other environmental concern and to be in accordance with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ1, EQ2, EQ4 and EQ7 of the South Somerset Local Plan, as well as the provisions of the National Planning Policy Framework.

Subject To The Following Conditions:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

02. Application for approval of the scale, layout and appearance of the development, referred to in this permission as 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 carried out in accordance with the approved plans titled 'Location and Visibility Splays'.

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

04. The development hereby permitted shall comprise no more than two dwellinghouses, and the combined gross internal floor space of the development shall not exceed 1000 square metres in extent.

Reason: To determine the scope of the permission on the basis that the number of dwellings applied for constitutes sustainable development particularly in relation to mitigation measures required to be secured by planning obligation, in accordance with the aims of the NPPF, the online Government Planning Practice Guidance and

Policies SD1, HG3 and HW1 of the South Somerset Local Plan (2006-2028).

05. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, 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 the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of maintaining the character of this rural area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

06. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

08. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan (Drawing Name Location and Visibility Splays). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

09. Prior to the development hereby permitted being first brought into use the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be

properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

10. Prior to occupation, a “lighting design for bats”, following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), 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 bats 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 and in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028).

11. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of any small trees, scrub, shrubs and tall ruderal vegetation to be cleared for active birds’ nests immediately before works proceed 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: To safeguard nesting birds to accord with the requirements of the Wildlife and Countryside Act 1981 (as amended) and Policy EQ4 of the South Somerset Local Plan (2006-2028).

12. Any vegetation in the construction area, including long grass, tall ruderal herbs and scrub, should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Written notification of the date of the operations will be submitted to the Local Planning Authority prior to the works being undertaken.

Reason: In the interests of UK protected and priority species and in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028).

13. The following will be integrated into the design of the buildings and site plans:
- a) Installation of 2 x Habitat 001 bat box, or similar, will be built into the each new dwelling at least four metres above ground level and away from windows of the west or south facing elevation
 - b) A cluster of two Schwegler 1a swift bricks, or similar, built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of one new dwelling.
 - c) Installation of 1 x bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of each new dwelling.
 - d) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
 - e) A log pile as a resting place for reptiles constructed along the edge of the access road, or within a well-lit corner of the site.
 - f) Plant an orchard at the rear of the properties using traditional Somerset species.
 - g) Maintain and where practical improve the condition and management of the lane side native species hedgerow along the edge of Longstrings Lane. Carefully manage the northern and southern boundary hedgerows to improve their landscape and ecological value including where practical establishment of new hedgerow trees. Hedgerow species to be comprised of: *Corylus avellana*, *Crataegus monogyna*, *Ilex aquifolium*, *Ligustrum vulgare*, *Rosa canina*, *Viburnum lantana* and *Viburnum opulus*.
 - h) All new shrubs to include high nectar producing to encourage a range of invertebrates to the site, and to provide continued foraging for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators", www.rhs.org.uk/perfectforpollinators provides a list of suitable plants both native and non-native.

A plan and photographs of the installed features shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation.

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 and in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028).

Informatives:

01. *Please be advised that subsequent full or reserved matters approval 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 1 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 Please complete and return Form 6 Commencement Notice.

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

02. *The applicant is advised that they will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of any highway works necessary as part of this development. The applicant should contact the Highway Authority about progressing this agreement well in advance of commencement of development.*
03. *The applicant's attention is drawn to the comments made by SCC Rights of Way and the need for the applicant to be certain that they have an all-purpose vehicular right to the property along path CH 33/13.*
04. *The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.*
05. *The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at*

night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

(Voting: 7 in favour, 2 against, 2 abstentions)

9. Planning Appeals (for information) (Agenda Item 9)

Members noted the report which gave details of one appeal received and 4 dismissed.

RESOLVED: That the report be noted.

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Chairman