

South Somerset District Council

Minutes of a meeting of the **Area East (Informal)** held by video-conference using Zoom meeting software on **Wednesday 13 April 2022**.

(Times Not Specified)

Present:

Members: Councillor Henry Hobhouse (Chairman)

Robin Bastable
Hayward Burt
Tony Capozzoli
Nick Colbert
Sarah Dyke

Charlie Hull
Mike Lewis
Lucy Trimnell
William Wallace
Colin Winder



Officers:

David Kenyon
Catherine Tyrer
Michelle Mainwaring
Jo Boucher

Planning Consultant
Specialist, Principal Planner (Development Management)
Case Officer (Strategy & Support Services)
Case Officer (Strategy & Support Services)

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

92. Minutes of Previous Meeting (Agenda Item 1)

This item was accidentally omitted at the meeting. An item to agree the minutes from the March meeting will be on the agenda for the June meeting.

93. Apologies for Absence (Agenda Item 2)

There was an apology for absence received from Councillor Kevin Messenger.

94. Declarations of Interest (Agenda Item 3)

William Wallace and Hayward Burt declared an interest in planning item 12.

95. Date of next Meeting (Agenda Item 4)

Councillors are requested to note that the next Area East Committee meeting is scheduled to be held at 9.00am on Wednesday 8th June 2022, via Zoom.

96. Public Question Time (Agenda Item 5)

There were no questions from members of the public present at the meeting.

97. Chairman's Announcements (Agenda Item 6)

There were no chairman's announcements.

98. Reports from Members (Agenda Item 7)

There were no reports from members.

99. Area East Forward Plan (Agenda Item 8)

There was no discussion and members were content to note the Forward Plan.

100. Planning Appeals (For Noting) (Agenda Item 9)

Members noted the planning appeals that had been received, dismissed or allowed.

101. Schedule of Planning Applications to be determined by Committee (Agenda Item 10)

Members noted the schedule of planning reports.

102. Planning Application 21/03369/REM - Land Os 5439 Part Townsend Green Henstridge Templecombe Somerset BA8 0RG (Agenda Item 11)

Proposal: Reserved matters application for approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for construction of 130 homes, sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure.

The Planning Specialist (Development Management) presented the application as detailed in the agenda report and highlighted to members that some of the objections received were related to matters that had already been considered in the outline planning permission and could not be revisited during this application.

With the help of a PowerPoint presentation she proceeded to show the site and proposed plans and highlighted the key considerations.

A revised construction environmental management plan (CEMP) had been received since the report was published, and had been considered acceptable by the highways authority.

There had also been 6 further objections received with issues raised about the approved outline planning. The recommendation was for approval.

The member of the Henstridge Parish Council spoke in objection to the application and made a number of points including:

- The main concern remained the increase in road traffic thorough the village.
- It was important that the approved CEMP route was adhered to.
- There was no record of any 106 agreement in the lead up to the 2018 appeal or since this.
- The management of the proposed open places would be split between a management company and the parish council.
- The LEAP development does not take into account the existing facilities in the village.
- Affordable housing should be allocated as a priority to tenants with a parish connection.
- Had concerns about parking provision and the displacement of parking spaces from other roads.

There were 3 members of the public that spoke in objections to the application and some of their comments included:

- The development was unpopular and unwelcome in the village.
- There was no traffic mitigation in place before the planning permission was agreed.
- Parking was an increasing issue in the village and the planning report showed a shortfall of 19 parking spaces.
- A proposed traffic light scheme to improve pedestrian safety on the A357 will decrease further available parking.
- The highways report should be ignored and the developers should make some further provision for parking in the developments even if that meant reducing the number of houses.
- Permission was up to 130 houses and not as an exact number.
- There was not the facilities in Henstridge to accommodate these extra homes.
- The environmental impact on wildlife did was not being taken into account.

The agent then addressed the committee in support of the application and some of his comments included:

- Worked with the planning officer to produce a desirable layout and plan.
- Unit numbers were in accordance with the outline granted.
- Building to present and improved building regulations on sustainability including air source heat pumps.
- Prepared to work with the Parish council in relation to the 106 funds.
- Have offered to work with local residents groups to work with any comments post planning permission and prior to commencements.

Ward Member Councillor Hayward Burt reminded members how the outline application was opposed by the village and Area East committee and was overturned on appeal.

He thanked the developer for trying to engage with the parish council to resolve issues but shared concerns that condition 10.3 was not being dealt with before the reserved matters application.

He was pleased to know that the CEMP had been approved.

There had been no local consultation regarding the S106 funds. Parking was a huge issue already and felt that this was a relevant point despite there being no highways objections.

He welcomed the inclusion of air source heat pumps but noted that evidence of acceptance relating to drainage had not yet been received.

Ward member Councillor William Wallace agreed with all of Councillor Burt's comments and highlighted the large local opposition to the proposal.

The County highways officer explained to members that Somerset parking standards allowed garages to be included in parking totals so while there was a shortage in spaces in parking on the street, when considering the Somerset parking standards there was not a shortage. There was also overprovision of visitor spaces by 12.

The planning specialist confirmed that the outstanding information in relation to the Local Flood Authority had been received.

The Parish Council representative highlighted that the potential changes to the high street on Condition 10.3 would displace already existing parking outside properties on the A357. Any discussions on the shortfall of parking spaces should also have this in mind.

The planning specialist explained that any amendments to condition 10 would be subject to a Section 73 planning application and would have to go through the usual planning process.

There was some discussion by members and some of the following comments were made:

- Many concerns were raised about the parking issues. There should be an excess in parking spaces and people do not use garages for parking.
- There were no details of street lighting in the report.
- The proposed site was rejected by the parish and the council and not it was clear that it was not supported by locals.
- As a reserved matters application and felt the application had to be approved.

The Lead principal planner clarified the process of the reserved matters application. He then explained that in terms of refusing the application, it could not be refused on the basis of number of dwellings. Using parking as reason for refusal would not have the backing of the highways authority if the application went to an appeal and the committee would have to consider this when making the decision. The decision made by the committee would be a recommendation and the final decision made by the Chief Executive.

One member suggested that there could be a change to the application to turn some garages to car ports to satisfy the issues raised about parking.

The Principal Planner explained that to defer the application ran the risk of the developer exercising their right to appeal for non-determination and suggested that the application was determined today.

In response to a question regarding possible amendments to the parking provisions and matters raised, the agent was amenable but sought clarification on whether a decision could still be made.

Following a short discussion it was proposed and seconded to refuse the application, contrary to the officer recommendation based on the lack of sufficient parking spaces under policy TA5 item 6 and TA6.

On being put to the vote the application was refused on 7 votes in favour, 1 against and 2 abstentions.

RESOLVED

That Area East members recommend the Chief Executive Refuse application 21/00369/REM, contrary to the officer's recommendation for the following reasons:

The proposed development, if approved, would fail to provide sufficient parking to serve the number of dwelling proposed. National Guidance (Manual for Streets) notes that only 44% of garages tend to be used for parking, and when that proportion of garages is discounted from the parking calculations, there is a shortfall of parking across the site, which is further exacerbated by insufficient parking provision for the three-bed properties. The development is likely to result in parking displacement onto Woodhayes Way and the surrounding highway network to the detriment of highway safety and contrary to Policies TA5 and TA6 of the South Somerset Local Plan (2016-2028) and Manual for Streets guidance.

(Voting 7 in favour, 1 against and 2 abstentions)

103. Planning Application 21/03589/FUL - Land At Lemons Ground Whitechurch Lane Yenston Templecombe Somerset (Agenda Item 12)

Proposal: Erection of a dwellinghouse and garage and construction of access

The Principal Planning Officer presented the application and with the help of a PowerPoint presentation proceeded to show the site and proposed plans.

He explained that the application was before members due the applicant being an elected member. It was not a controversial application in terms of officer recommendation and it had not received any objections.

He showed his key considerations and highlighted the public right of way on the proposed plans.

Since the report was published, the applicant asked that condition 11 be simplified to a more simplistic wording which the planning officer was happy with.

In response to a query the Planning officer confirmed that Condition 11 would ensure the garage structure would remain ancillary to the dwelling and if sold separately to the dwelling, would be a breach of the conditions.

It was proposed and seconded to approve the application in line with the officer's recommendation with the amended wording for condition 11 as read out by the planning officer. On being put to the vote it was approved unanimously.

RESOLVED

That Area East members recommend to the Chief Executive that planning application 21/03589/FUL be approved subject to conditions in the report with the amendment to Condition 11 of the report as follows:

The proposed garage/car port building, including the space at first floor level, shall be used solely for purposes incidental to the enjoyment of the principal dwellinghouse and shall remain ancillary thereto,.

For the following Reasons:

01. The application site is within the village of Yenston which forms a cluster of settlements with nearby Henstridge and Templecombe where local services are available and reasonably accessible. The application site benefits from an extant planning permission to erect a single dwellinghouse and as such the principle of development is accepted on this occasion. The proposed dwelling would be located between existing buildings and is of an appropriate design. Given that there would be no significant harm to visual or residential amenity, highway safety, flood risk or biodiversity the proposal is considered to be acceptable and in accordance with South Somerset local plan and policies SS1, EQ2, EQ4 and TR5.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approve plans:

Drawing No. 20070-10 - Site Survey

Drawing No. 20070-8B - Proposed Plans, Elevations and Section

Drawing No. 20070-9C - Proposed Site Plan including surface water drainage arrangements

Drawing No. 20070-4C - Site Location Plan

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

03. Prior to the commencement of any development hereby approved, above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

04. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:- means of enclosure; hard surfacing materials; external lighting; existing planting to be retained and means of protection; and proposed new planting. All hard and soft landscape works shall be carried out in accordance with the approved detail prior to first occupation of the development and any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority,

seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality, in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

05. The approved surface water drainage works as shown on Drawing Number 20070-9C shall be fully completed prior to the first occupation of the development hereby permitted.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk, in accordance with Policy EQ2 of the South Somerset District Council Local Plan.

06. Prior to the first occupation of the development hereby permitted, the access, visibility splay, car parking areas and turning space shall be laid out and constructed as shown on Drawing Nos. 20070-09C. The first 5m of the access shall be a consolidated surface (not loose stone or gravel) and the layout shall include a charging point for electric vehicle. Thereafter, these areas and the charging point shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the South Somerset Local Plan.

07. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of the new dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation
- b) A Schwegler House Martin Terrace No. 11 or will be installed under the eaves of the north-west elevation
- c) Two bee bricks built into the wall about 1 metre above ground level on the south-west and south-east elevation of the new dwelling.
- d) To compensate and enhance for the loss of the 10m hedgerow on the north-west side of the site, approximately 100m of hedgerow will be planted around the site. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.
- e) Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.
- f) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs

must also appeal to night-flying moths which are a key food source 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.

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 the Draft Environment (Principles and Governance) Bill 2018.

08. Prior to occupation of the dwellings, a "lighting design for bats" for the existing and proposed bordering hedgerows and tree's on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats (the existing and proposed bordering hedgerows and tree's) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed through the provision lighting contour plans and if appropriate directional lighting of lights with hoods technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Where PIR timers are to be included, it should be shown that timers are going to be set to less than one minute.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

09. No removal of hedgerows, trees, scrub, bramble and any other vegetation that provides potential for nesting birds shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides 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 by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

10. Prior to the commencement of development hereby permitted, all existing trees and hedgerows bordering the site that are to be retained will be protected throughout the duration of works by Heras fencing. No materials shall be stored or plant operated within 1 metre of the Heras fencing.

Reason: In accordance with BS 5837:2012, NPPF 2018 and UK Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018

11. The proposed garage/car port building, including the space at first floor level, shall be used solely for purposes incidental to the enjoyment of the principal dwellinghouse and shall remain ancillary thereto.

Reason: In the interest of amenity in accordance with Policies SS1 and EQ2 of the South Somerset Local Plan 2006-2028.

Informatives:

01. 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

02. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

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Chairman