

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 8 July 2015**.

(9.00 am - 12.45 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Beech	Tim Inglefield
Tony Capozzoli	Mike Lewis
Nick Colbert	David Norris
Anna Groskop	William Wallace
Henry Hobhouse	Colin Winder

Officers:

Anne Herridge	Democratic Services Officer
Adrian Noon	Area Lead (North/East)
Helen Rutter	Area Development Manager (East)
Alex Skidmore	Planning Officer
Angela Watson	Legal Services Manager
Pam Williams	Neighbourhood Development Officer (East)
Nigel Collins	Transport Strategy Manager
David Norris	Development Manager

Others:

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

30. Minutes of Previous Meeting (Agenda Item 1)

The minutes for the meetings held on 8th April and 10th June 2015, copies of which had been circulated were agreed and signed by the chairman.

31. Apologies for absence (Agenda Item 2)

An apology for absence had been received from Cllr Sarah Dyke-Bracher.

32. Declarations of Interest (Agenda Item 3)

Cllr Anna Groskop declared a personal interest in Agenda Item 9 as she is a director of SSCAT.

Cllrs William Wallace, Mike Lewis and Anna Groskop all members of SCC (Somerset County Council) would only declare a prejudicial interest in any business on the agenda where there was a financial benefit or gain or advantage to SCC which would be at a cost or to the financial disadvantage of SSCDC. Cllr Anna Groskop was also a portfolio holder for Health & Wellbeing at SCC.

33. Public Participation at Committees (Agenda Item 4)

- a) Angela Barton addressed the committee in order to make AEC members aware of her views regarding Item 17, Henstridge Airfield the last item on the agenda, which would be discussed by members in a confidential session. She explained that she had represented Henstridge PC for a number of years and was fully aware of the historical issues of the airfield and its uses. All local residents wanted was to have their right to residential amenity respected, and on the advice of SSCDC, residents had reported many breaches of conditions over the last 5 years. She suggested that if no action was taken there was a possibility of obtaining prescriptive rights by virtue of continued breach of conditions and urged members to look to a Discontinuance Order.

Laura Courtney explained that in the 1990's she had represented the area at an inquiry regarding the airfield and in her opinion the site had not continuously been used as an airfield. She quoted the Opinion of the eminent Queens Counsel John Steel who offered a way forward to 'resolve to grant planning permission with reasonable conditions as set out'. Mrs Courtney asked members to act in accordance with his Legal Opinion and instruct him to draw up reasonable and precise controls.

- b) It was suggested that Cllr Colin Winder ask the Area East admin to contact the Streetscene Service to find out the whereabouts of the missing street lamp in Wincanton.

Due to members concern about the Planning Inspectors decision to allow an appeal and grant outline planning permission for the erection of up to 25 dwellings on land at Dancing Lane, Wincanton, it was agreed to ask the Development Manager to bring a report regarding the way forward to appeal this decision and the possibility of a judicial review of the Inspectors decision to AEC in September.

Further discussion ensued about the need for consistent decisions regarding the issue of sustainability and the grading of agricultural land when considering planning applications.

34. Reports from Members Representing the District Council on Outside Organisations (Agenda Item 5)

Cllr Mike Lewis informed AEC members that the scheduled meeting of the Rivers Authority had been cancelled and no rearranged date had yet been decided.

35. Feedback on Reports referred to the Regulation Committee (Agenda Item 6)

There had been no recent meeting of the Regulation Committee.

36. Chairman Announcements (Agenda Item 7)

The Chairman advised that at a recent meeting with the area chairs it had been decided to hold a further meeting on 22nd July with the planning service, in order to discuss the way Planning Officers dealt with Policy SS2 as they wished to ensure there was greater understanding to help to achieve more consistency with planning decisions.

37. Date of Next Meeting (Agenda Item 8)

Members noted that the date of the next scheduled meeting of the Area East Committee would be held on Wednesday 12th August 2015 at 9.00 am.

38. Corporate support for Community and Public Transport and South Somerset Community Accessible Transport (Agenda Item 9)

The SSDC Transport Strategy Officer updated members on the current work being undertaken to reflect South Somerset District Council's corporate aims to help communities to develop transport schemes and local solutions to reduce rural isolation as detailed within the agenda report.

The SSCAT (South Somerset Community Accessible Transport) Manager Andy Chilton also updated members on the progress made last year and informed them how the scheme had continued to grow.

In response to questions the SSCAT Manager and Transport Strategy Officer confirmed that there was still a substantial sum in reserves for vehicle replacement, the priority for him next year would be to place bids for further revenue grants. It was confirmed that people from North Dorset did use the service which was primarily used to take them to their doctors, but if too far away the social car would be put to use rather than the mini bus. As suggested in future any report regarding local transport would be copied to the relevant SCC Portfolio Holder.

The Area Development Manager agreed to follow up the request that had been made to SCC for possible S106 funding for sustainable transport on the Deansley Way development in particular, and ensure that SCC were made aware of the concern of AEC, she would also ensure that a letter was sent on behalf of AEC to propose that both authorities should confer when it came to making a decision about how and where S106 funds were spent on sustainable transport for key sites.

In conclusion the Chairman thanked both officers for the detailed reports and suggested that all AE councillors should make their constituents aware of and make use of the SSCAT.

RESOLVED: That members note the contents of this report.

39. Marketing of Area East (Agenda Item 10)

The Neighbourhood Development Officer presented the report as detailed in the agenda she asked members to note the figures in the column May 2015 that had been missed from the agenda report and should read:

	April 2014	December 2014	% Increase	May 2015
Downloads	393	1516	+286%	1893
Active Users	47	148	+216%	236
Business listings	679	882	+30%	934

In response to a query the officer said that there was no direct follow up of active users and she recognised there was a need to increase awareness of the app.

During the short discussion it was felt that more effort should be put into ensuring that major attractions link into the facilities of the local market towns in order for visitors to have the opportunity to explore the area fully. Although it was noted that the number of active users had not increased significantly, any increase was good news. Ward Members should encourage their constituents to spread the word about the South Somerset Market Town app.

The chairman thanked the officer for the report and suggested this could be discussed further during the area workshop due to be held after the Area East Committee meeting.

RESOLVED:

- 1) To note and comment on the report
- 2) To approach major visitor attractions in Area East and explore the potential for collaborative marketing of the Area.

40. Area East Committee Forward Plan (Agenda Item 11)

Members were advised that the confidential report Buildings at Risk update would be moved to the meeting due to be held on 14th October and the update on Wincanton Community Sports Centre would be on the agenda for the meeting due to be held 11th November 2015. The report on the Endorsement of Parish plans would be on the agenda for next month's meeting on 12th August, and a report on the appeal at Dancing Lane Wincanton was added to the forward plan.

Cllr Tim Inglefield referred to Planning Policy SS2 and asked the chairman to bring up the issue of sustainability and the confusion surrounding the policy when he attends the next Area Chairs meeting.

RESOLVED: That members were content to note the forward plan as detailed in the agenda and the proposed changes.

41. Items for information (Agenda Item 12)

42. Schedule of Planning Applications to be Determined by Committee (Agenda Item 13)

NOTED

43. Planning Application 15/01886/FUL 2 Grove Close Penselwood (Agenda Item 14)

The Planning Officer presented the report as detailed in the agenda; she updated members with comments from a near neighbour who was concerned about the size of the extension, access from the proposed driveway and poor visibility. With the aid of a power point presentation the officer showed access on to Queens Grove, aerial views of the site, existing floor plans and proposed floor plans. She confirmed that the recommendation was to approve the application as detailed in full in the agenda.

Mrs J Steadman the chairman of Pen Selwood PC addressed members in objection to the application due to concern regarding access close to the turning into Queens Grove; and considered the proposal would be out of proportion and out of character.

A letter of objection from Mrs L Elson representing CPRE Somerset was read out to members.

Ward Member Cllr Mike Beech was concerned about the access and the fact that the proposed vehicular access and driveway apparently came under permitted development and as such, that part of the proposal would not need to be considered in detail.

The Area Lead East explained that as the road was unclassified there would be no requirement to request any changes to the proposed visibility splay and would be up to SCC to deal with any relevant issues, it would not come under the remit of the Local Authority therefore there would be no justification to refuse this application on Highway grounds.

During the short discussion varying views were expressed some of which included:

- The extension would improve the existing property;
- Although concerned about the proposed access there was no justification to refuse the application on highway grounds;
- The proposed access would alter the streetscene;
- Members were asked to consider the extension only and if approved must agree the materials to be used;
- Visual and residential amenity would be harmed by the provision of a parking area to the front of the house;
- Concerned about the state of the hedge along the frontage that needed to be cut back.

In response to several queries the Area Lead East explained that a condition could not be used for the access as that was outside the scope of the application. Render was the suggested medium for the extension as the existing stone was hard to match. Although

details of the frontage could be conditioned, neighbours could not be controlled and told to cut hedges.

The Legal Services Manager advised that conditions regarding the access could not be justified; the General Permitted Development Order was covered by its own conditions, which did include a general prohibition against jeopardising highway visibility, but could only be enforced once the works were completed.

A proposal was made and seconded to approve the application as detailed in the agenda report.

On being put to the vote the motion was carried by 6 votes in favour; 3 against and 1 abstention.

RESOLVED: that Planning application 15/01886/FUL be approved as per the officers recommendation for the following reason:

The proposal, by reason of its size, scale and materials, respects the character of the area of outstanding natural beauty, and causes no demonstrable harm to residential amenity, in accordance with the aims and objectives of Policies EQ2 and TA5 of the South Somerset Local Plan and the aims and provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: VHP1, VHP2, VHP3, VHP4, VHP5, and VHP14 received 06 May 2015

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

03. No work shall be carried out on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- c) details of all hardstanding and boundaries
- d) details of the rainwater goods and eaves and fascia details and treatment.

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

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan.

(Voting: 6 in favour: 3 against; 1 abstention)

44. Planning Application 14/00215 - Proposed Solar Park West Camel (Agenda Item 15)

The Planning Officer presented the report as detailed in the agenda and with the aid of a power point presentation showed details of the proximity of the application site to Yeovilton Air Base. A previous application had been refused due to concern about aviation safety; this application sought to remedy that by proposing an earth bund from 2.4 to 3 metres high. The officer's recommendation now was to approve the application.

Mr R Cotterell the director of British Solar Renewables addressed the committee he explained that sheep would be allowed to graze underneath the solar arrays and the issues with the MOD had now been dealt with by this application which accorded with planning policy.

Ward Member Cllr Mike Lewis although supported the application as the MoD were now satisfied, was concerned about what would happen if a problem was found after the arrays had been erected, he now felt that in torrential rain any run off from the panels could cause flooding on consolidated land. He questioned who would be responsible for any remedial work that may need to be carried out.

The Planning Officer confirmed that there were several conditions that addressed drainage concerns and the ongoing maintenance and monitoring of the bund

During discussion several comments were made some of which included the following:

- The risk to radar would be very low and the bund would solve any potential issues;
- This application would be a blot on the landscape and it was questioned when a decision would be made to advise when Area East had too many solar arrays in the vicinity;
- Wished to ensure there were stringent conditions during the construction stage during which the process needed to be clear, as the problems that occurred during construction of the Hook Valley site should not be repeated;
- The only reason members had rejected the last planning application on this site was because the MOD had raised objections to it.

In response to various queries the Planning Officer and Area Lead East explained that page 46 of the Conservation Consultation response gave information of the locations of arrays and proposed arrays, any cumulative impact would not be a reason to reject the scheme, consideration should be given to any possible harmful impact that could be triggered. The Hook Valley application was different to this as that was alongside a main road and proposed Conditions 12 and 13 covered the issue of a traffic management plan. The bund would remain in-situ after the 25years; a planning application would be required to remove it.

A proposal was made and seconded to approve the application as per the officer's recommendation. On being put to the vote the motion was carried by 8 votes in favour and 2 against.

RESOLVED: that Planning Application 14/00215/FUL be approved as per the officers recommendation for the following reason:

Notwithstanding local concerns it is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, outweigh the limited impact the proposal will have on the local landscape character. As such the proposal accords with the aims and objectives of Policies SD1, TA5, TA6, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Subject to the following:

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered:

- 2466_201_Rev E, 1095-0201-01 (issue 12), 2466_200_Rev G received 11/06/2015; and
- Site location, block plan, 001 (issue 01), 004 (issue 01), 9999-0208-71, XXXX-0206-00, 34523-01-00 (issue B) and 002 (01) received 20/01/2014.

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

3. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within six months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

4. The position and heights of the panels and bund structure (across its entire length) shall accord with the details set out on drawings numbered 1095-0201-01 (issue 12), 2466- 200 (Rev. G) and 2466 – 201 (Rev. E) and the associated schedule of the coordinates received 11 June 2015. The position and height of the bund and panels shall thereafter not be permanently maintained.

Reason: In the interest of aviation safety.

5. The bund structure shall be installed in full accordance with approved drawings numbered 1095-0201-01 (issue 12), 2466- 200 (Rev. G) and 2466 – 201 (Rev. E) and the associated schedule of the coordinates received 11 June 2015 prior to the commencement of any works relating to the solar park element of the permission hereby granted, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of aviation safety.

6. No works shall commence on site unless details of all plant equipment, cranes and other temporary structures as well as details of any air navigation warning lighting have been submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in full accordance with the agreed details.

Reason: In the interest of aviation safety and to ensure that any plant equipment and temporary structures will not impede the operation of the transmitter / receiver installation at RNAS Yeovilton or otherwise obstruct the movements of air traffic to and from the aerodrome.

7. No works shall commence on site unless details of a scheme of monitoring and maintenance of the earth bund, to ensure that it continues to be an effective screen to solar farm from the PAR at RNAS Yeovilton over the lifetime of the development, has been submitted to and agreed in writing by the local planning authority. Such approved details shall thereafter be fully implemented for the lifetime of the solar park.

Reason: In the interest of aviation safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no alterations to the approved design or layout of the solar park and bund without the prior express grant of planning permission from the local planning authority.

Reason: In the interest of aviation safety.

9. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological interest of the site in accordance with policy EQ3 of the South Somerset Local Plan.

10. The development hereby permitted by this planning application shall only be undertaken in accordance with the approved Flood Risk Assessment (Ref: J-4119.12-FM dated March 2013 and prepared by H20K) specifically including the following measures detailed within the FRA:

1. All access routes to have permeable surfaces constructed of either mown grass or unbound stones.
2. Swale features are installed prior to any other construction works associated with the proposed development.
3. All surface water drainage features are maintained appropriately, over the lifetime of the development.
4. No culverting of the drainage ditch.

Reason: To prevent any increased risk of flooding associated with installation of the solar park development.

11. No development shall commence unless an ownership and management plan for the surface water run-off limitation scheme for the site, as shown in the Flood Risk Assessment (Ref: J-4119.12-FM dated March 2013 and prepared by H20K), has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

Reason: To prevent any increased risk of surface water flooding associated with installation of the solar park development.

12. Prior to the commencement of development a construction traffic management plan providing details on the delivery of the material for the bund, the photovoltaic panels and equipment to the site, details of the parking and storage area; and any alterations to the vehicular access shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety to accord with TA5 of the South Somerset Local Plan.

13. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained for the duration of the construction phase.

Reason: In the interest of highway safety to accord with TA5 of the South Somerset Local Plan.

14. Prior to, and not earlier than 2 months before, commencement of any works, a survey for badger setts will be undertaken, and if any are present within 30 metres (including on adjoining land) of the development site, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

15. The development hereby permitted shall be carried out in accordance with the ecological enhancements set out within section 8.2 of the Ecological Appraisal dated November 2012, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of conservation and to accord with policy EQ4 of the South Somerset Local Plan and paragraph 188 of the National Planning Policy Framework.

16. The development hereby permitted shall not be commenced unless 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 interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

17. No works in respect of the solar park hereby permitted unless details of the finished colour of the security fencing and the finished colour and position of the CCTV equipment has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

18. No means of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

Reason: In the interest of residential amenity and the rural amenities of the area to accord with Policy EQ2 of the South Somerset Local Plan.

19. No means of external illumination / lighting shall be installed without the prior written consent of the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EQ2 and EQ7 of the South Somerset Local Plan.

20. The supporting posts to the solar array shall not be concreted into the ground.

Reason: In the interest of sustainable construction and to accord with part 10 of the National Planning Policy Framework.

Informatives:

1. The developer is advised to refer to the informatives set out within the EA's letter dated 11/02/2014.
2. The developer is reminded that a condition survey of the existing public highway will need to be carried out agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the

Highway Authority once all works have been completed on site.

3. Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.

(Voting: 8 in favour: 2 against)

45. Exclusion of Press and Public (Agenda Item 16)

RESOLVED: That Members passed a resolution to exclude the press and public during consideration of item 17 as the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

46. Henstridge Airfield verbal update (Agenda Item 17)

RESOLVED: That Area East Committee noted the contents of the presentation by the Development Manager.

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Chairman