

## South Somerset District Council

**Minutes** of a meeting of the **Area East Committee** held at the **Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 9 September 2015**.

(9.00 am - 1.10 pm)

**Present:**

**Members:** Councillor Nick Weeks (Chairman)

Mike Beech	Henry Hobhouse
Tony Capozzoli	Tim Inglefield
Nick Colbert	Mike Lewis
Sarah Dyke-Bracher	William Wallace
Anna Groskop	Colin Winder

**Officers:**

Anne Herridge	Democratic Services Officer
Adrian Noon	Area Lead (North/East)
Helen Rutter	Area Development Manager (East)
Chris Cooper	Streetscene Manager
Simon Fox	Area Lead (South)
Angela Watson	Legal Services Manager

**Others:**

Dean Hamilton	Avon and Somerset Constabulary
Tim Coombe	Avon and Somerset Constabulary

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

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**65. Minutes of Previous Meeting (Agenda Item 1)**

The minutes of the meeting held on 12<sup>th</sup> August 2015, copies of which had been circulated, were agreed and signed by the Chairman.

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**66. Apologies for absence (Agenda Item 2)**

An apology for absence was received from Cllr David Norris.

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

There were no declarations of interest at this stage of the meeting.

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**68. Public Participation at Committees (Agenda Item 4)**

Mr P Trevethan addressed the committee with reference to the Charlton Mackrell and West Charlton Conservation Area Review that had been considered at the last Area East Committee meeting held on 12<sup>th</sup> August 2015. He was unhappy with the members' resolution at that meeting and the short consultation period. He read an extract from Section 71 of the Planning Act regarding Conservation Areas. He felt that AEC members had let him down.

In response the ADM explained that there was a duty to ensure that Conservation Areas were kept under review but for amendments there was no requirement to consult. At the last AEC meeting Councillors had resolved to support the amendments to the designated area subject to confirmation of support from Charlton Mackrell PC at their next PC meeting. The decision then to be confirmed by the Conservation Manager in liaison with the Ward Member and, once approved, the changes would be advertised in accordance with the requirements of the Planning (Listed Building and Conservation Areas) Act 1990.

At the meeting of the Charltons PC held on 25<sup>th</sup> August 2015 it had been unanimously agreed to approve the amendments to the designated Charlton Mackrell Conservation area. With the agreement of the ward member the formal processes of notification and advertising of the extension to the conservation area were then put in place. The ADM explained that this was a simple extension to the Conservation Area and not a new area or a fuller Conservation Area Appraisal which would be a more consultative process.

Cllr Anna Groskop, as a member of the Standards Committee, confirmed that that Committee had come to the conclusion that there had been no wrong doing with the process and they were content to abide with the resolution made by AEC.

In conclusion the Chairman replied that if the Charltons PC had not supported the recommendation regarding the extension, AEC would have reconsidered the matter.

Cllr Tim Inglefield reported that Mrs Lilian Elson, a local resident and regular attendee of AEC meetings had published a book about *Montague Harriers*.

Mrs Elson addressed the committee with reference to Agenda Item 10, the Streetscene Service. She wished to thank the service for the help given with a long running problem in Holton but since a recent successful prosecution, there had been no further problems.

Cllr Tony Capozzoli wished it to be noted that Planning Application 15/03137/FUL, Agenda Item 14 was in the parish of Mudford.

Cllr Colin Winder asked for the Local Plan Conservation Strategy to be progressed as quickly as possible as there was currently no policy document. During discussion it was decided that the document did need to be adopted as soon as possible and until it was, it could not form part of the policy; therefore the work needed to be carried forward quickly. A letter would be sent to the Planning Service on behalf of AEC requesting that the work should be carried out as quickly as possible. Ten members voted in agreement and one member abstained.

The ADM confirmed that she would request that the update report on the Conservation Service on the forward plan for the October meeting would include details of Conservation Area changes and Conservation Area Appraisals.

Cllr Colin Winder also referred to an issue that he had with Development Control regarding Planning Application 15/00284/FUL which he was currently pursuing.

Cllr Winder raised the matter of the planning enquiry regarding Dancing Lane, Wincanton which in his opinion was riddled with errors.

Cllr Mike Lewis felt that lessons should be learnt from this in order to prevent it from being repeated.

Cllr Winder felt that it was important to improve Ward Member consultation and involvement and he wanted to be able to view the relevant notes of any agreements made.

In response to Cllr Winders query from concerned constituents stating that any people from Syria should not be housed in social housing set aside for local people, the Chairman replied that there were no answers yet but Cllr Winder should contact the Leader of the Council for more in-depth information.

Sarah Dyke Bracher wished it to be recorded that the majority of her constituents of Milborne Port wanted to do as much as they could to help those in need from Syria.

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

There were no reports from Members representing the District Council on Outside Organisations.

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

There had been no recent meetings of the Regulation Committee.

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**71. Chairman Announcements (Agenda Item 7)**

There were no Chairman announcements.

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**72. Date of Next Meeting (Agenda Item 8)**

Members noted the date of the next meeting would be Wednesday 14<sup>th</sup> October 2015 at 9.00am at Churchfield Wincanton.

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**73. Area East Neighbourhood Policing Update (Agenda Item 9)**

Sergeant Dean Hamilton and Police Inspector Tim Coombe, the officers responsible for neighbourhood policing across Area East, and South Somerset attended Area East Committee.

Sergeant Dean Hamilton said that the team was very much the same as it had been a year ago when he had last attended AEC. Comparing the statistics from April 2015 until September 2015 to those of last year it was noted that there was a very slight increase in crime from non-dwelling burglaries (sheds etc) and crime against the person, this was mainly due to the different way that crime was now being recorded, for example if a lock

was broken but nothing taken in the process it would still have to be recorded as a crime having taken place.

In response to queries Sergeant Dean Hamilton and Police Inspector Tim Coombe both replied:

- Although there was a general increase in population the number of calls to the service remained the same;
- Crimes on businesses were included in the stats;
- Response times were good;
- On-line crime was particularly prevalent but there was not enough staff to cover most of those issues and in most cases it was minor on-line squabbles that would not warrant prosecution but would take up a lot of staff time;
- The local office at Ilchester was not currently manned but was occasionally used by PCSO's'
- With reference to PCSO's the community should give their support to ensure that there was an ongoing presence in the area. There were no plans afoot to further reduce the number of PCSO hours once the reduction in flexible retirement hours had been taken into account;
- It was policy to have single crewing in a police car, colleagues can be called upon quickly if necessary. Risk Assessments were made on certain premises and would be marked accordingly to warn if more than one officer would be required to attend;
- As much detail as possible was taken when attending a reported crime but it was difficult if there was no knowledge of who the victim was;
- Special Constables were still used in the force but they were volunteers and unpaid. At their requests they were used in the busier market towns during weekend periods as the 'specials' preferred that rather than the relatively quiet rural towns;
- If any Councillors knew of any prospective candidates who would like to make up a mature community patrol team to let the police officers know.

The Chairman thanked the officers for taking time out of their busy schedule to attend Area East committee.

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#### **74. Streetscene Service Performance in Area East (Agenda Item 10)**

The Streetscene Manager presented the report as detailed in full the agenda.

In response to questions he replied that:

- Ward Members should contact the service if during their travels they found or heard of any Rights of Way that required maintenance work;
- Councillors should contact him direct with any suggestions of what the Streetscene Service should focus on over the next 6 months;
- He would enquire further into the report about offensive litter found in Wincanton particularly as both Ward Members had no knowledge of the matter;
- He would speak to Cllr Capozzoli about his request to have some gulleys cleared in Ilchester;
- Because of the rural nature and geography of South Somerset it would not be prudent to use small road sweepers;

- He was pleased with the response of help for the Clean-up Wincanton weekend and the youth of Ilchester who blitzed their village over one weekend.

The Streetscene Manager was thanked for the service he and his team provided.

**RESOLVED:** That members commented on the report

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**75. Area East Committee Forward Plan (Agenda Item 11)**

Cllr Tim Inglefield asked the ADM to find out when the update on Henstridge Airfield could be on the forward plan as he felt that a report should be presented to committee as soon as possible.

Cllr Anna Groskop asked for an update report from the Clinical Commissioning Group on the future provision of medical care in Area East.

The ADM would ask the Conservation Manager to include details of the process of Conservation appraisals and Conservation Area changes in his report due on the agenda next month.

**NOTED**

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**76. Items for information (Agenda Item 12)**

**NOTED**

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

It was noted that Planning Application 15/03070/FUL had been withdrawn.

**NOTED**

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**78. 15/03137/FUL Woodhouse Farm Limington - Boarding Kennels (Agenda Item 14)**

The Area Lead South presented the application on behalf of a colleague, as detailed in the report in the agenda. With the aid of a power point presentation he showed details of the site and photographs of nearby properties and the Nissan hut that would be removed should the application be approved.

The Officer provided members with an update from Marcus Fysh MP who had been contacted by concerned residents who were worried about an increase in noise due to barking dogs housed in the kennels; Mr Fysh felt that a noise attenuation scheme was required before any decision was made on the application.

The Area Lead South confirmed that all matters had been addressed within the report and that a noise mitigation scheme was required by a condition. He confirmed that the recommendation was to approve the application.

Mrs Boyd, a member of the Parish Council and a near neighbour to the application site but not mentioned in the report, objected to the application as she was concerned about the noise that would emanate from barking dogs, and she felt that it would destroy the current tranquillity of her home.

Mr T Jones spoke on behalf of Mrs Boyd in objection to the application. He explained that at one time Mrs Boyd could often hear the sound from the radio of the previous occupiers of the application site; therefore it stood to reason that she would easily hear the noise from barking dogs. If approved, several people living around the site would lose peaceful enjoyment of their homes due to the unpredictable noise of barking dogs.

Mrs J Williams, Mr H Wilkinson and Mrs L Matraves all spoke in opposition to the application and felt that the views of the Parish Council and the community should be taken on board, the area was currently peaceful and the noise of barking dogs would destroy that.

Mr Dance the agent addressed the committee and urged members to approve the application particularly as the Environmental Protection Officer could not substantiate an objection to the application and he had recommended a condition to develop an acoustic attenuation scheme. The way the kennels were designed the dogs would be unable to see each other and they would not be exercised together thereby limiting the amount of noise.

Ward Member Cllr Tony Capozzoli spoke in objection to the application; he was concerned that no mention had been made within the officer's report regarding the diversification from a farm to dog boarding kennels. He also noted the application site was within the parish of Mudford and not Limington as described in the report. He felt the application should be refused as the tranquillity of the area would be spoilt.

During the opportunity to correct a mis-statement Mr Williams pointed out that it would be preferable if the dogs (maximum of 22) were exercised together, as the time spent exercising them would be carried out over a shorter period.

During discussion several issues were raised, some of which included the following:

- No mention had been made of drainage and waste disposal;
- More information was required regarding the noise attenuation scheme before any decision was made;
- There were several dog kennels within Area East in the middle of housing and no complaints had ever been received, that could be achieved by good management;
- Could not understand why there was no farm diversification and considered that it would be better to have beef and sheep farming on the site in question prior to starting dog boarding kennels;
- If the applicant abided by the conditions imposed and was well managed there should be no adverse problems for the neighbours;
- In general the only time that 2 dogs would share a kennel would be if the dogs came from the same home;
- Suggested a site visit to take account of the topography of the area;
- There had been similar applications refused by AEC because there had been no viable business plan.

A proposal was made and seconded to refuse the application.

Meanwhile in response to several queries the Area Lead East replied that:

- The applicable kennel license would deal with dog waste;
- Drainage would be part of the conditions of any approval;
- In reality there had been very few complaints from registered kennels within South Somerset,
- There would be a degree of acoustic screening due to the actual design and position of the proposed kennels;
- Noise attenuation would form part of the management of the business;
- Because of the different pitches of barking dogs it would be difficult to prescribe a decibel limit;
- The applicant did not currently hold an Agricultural Holding number but apparently it was their intention to apply for one;
- As the property was not yet occupied by the applicant there was not currently a breach to any planning tie, if once the applicant moved in and if they were found to be in breach, that issue would be dealt with at the relevant time.

The Legal Services Manager advised the committee that they should carefully consider the reasons used should they wish to refuse the application: a modern agricultural occupancy condition would permit an element of income from other sources, and there was nothing to suggest that agricultural operations couldn't be undertaken alongside the kennel business. If members were minded to refuse the application they were advised to focus more on the noise impact rather than the agricultural diversification. No enforcement action could take place until the property was occupied and any possible breach of the agricultural tie was put to the test, and in any event enforcement issues weren't relevant to this application.

During further discussion it was suggested that the application should be deferred in order to organise a site visit together with an acoustic measurement. Another Councillor felt that it would be too difficult to measure dogs barking.

In order to defer the application and have a site visit Cllr Capozzoli was asked if he wanted to withdraw his proposal to refuse the application, but he did not wish to rescind his proposal.

On being put to the vote the proposal to refuse the application was carried by 6 votes in favour; 1 against and 3 abstentions, as it had not been demonstrated that the proposed kennels could operate without detriment to the amenities of local residents by reason of noise and disturbance.

**RESOLVED:** that Planning Application 15/03137/FUL be refused contrary to the officer's recommendation for the following reason:

It has not been demonstrated that the proposed kennels could operate without detriment to the amenities of local residents by reason of noise and disturbance. As such the proposal is contrary to policies EQ2 and EQ7 of the South Somerset local Plan 2006-2028.

(Voting: 6 in favour: 1 against: 3 abstentions)

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**79. 15/03070/FUL - 15 Bridgwater Buildings Castle Cary - Erection of a conservatory (Agenda Item 15)**

This application was withdrawn prior to committee.

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**80. 14/04966/LBC Karen Christensen Castle Cary - Re-paint exterior woodwork on shop front. (Agenda Item 16)**

The Area Lead South presented the application as detailed in the agenda; with the aid of a power point presentation he showed photographs of the different types and colours of shop fronts in the area.

The officer confirmed that the recommendation was to approve the application.

Ward Member Cllr Nick Weeks apologised for bringing this application to committee but he had failed to get his views to the planning officer within the timescale, however he was concerned that the applicant frequently put in retrospective applications at this location.

Ward Member Cllr Henry Hobhouse disagreed with Cllr Weeks in as much as he felt that the application should be considered by AEC members; the applicant had a history of retrospective applications and never consulted prior to putting a planning application into SSDC. Cllr Hobhouse considered that this application should be refused.

During a short discussion mention was made of a previous application regarding the removal of a spiral staircase at the property; the Area Lead East agreed to revisit the files to check up on the current situation.

The majority of members expressed their support for the application but asked the case officer to express their concerns in a letter about repeated retrospective applications at these premises.

A proposal was made and seconded to approve the application and on being put to the vote the motion was carried by 10 votes in favour and 1 against.

**RESOLVED:** That Planning Application 14/04966/LBC be approved as per the officer's recommendation:-

01. The proposal is of a design in terms of materials, detailing and scale, which does not adversely affect the character of the Listed Building and its setting, in accordance with the aims and objectives of Policy EQ3 of the South Somerset Local Plan 2006-2028.

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 this consent shall be deemed to have been implemented on 15 June 2015 as prescribed by Section 8 of the above Act.

Reason - To comply with section 8 of the above Act

The Case Officer to send the applicant a letter to express the concerns of AEC about repeated retrospective planning applications at these premises.

(Voting: 10 in favour; 1 against)



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**81. 15/03475/R3C Primrose Hill Primary and Nursery School Cabot Road Yeovil - SSDC is a consultee- Area East Councillors views are sought (Agenda Item 17)**

Prior to consideration of this report the Legal Services Manager reminded District Councillors who were also Somerset County Councillors that although this item was only for discussion, members were being asked to agree which comments should be sent to SCC as SSDC's formal response to the County's planning application, and she advised that they should declare a personal interest in this item

Cllr William Wallace declared a personal interest as he was a Somerset County Councillor.

The Area Lead South explained that this application had been referred for Committee consideration, in order to deliberate the Council's response to this Somerset County Council planning consultation. With the aid of a power point presentation, details of the layout of the site were shown and drawings to show the levels of the proposed building and how it would be set into the landscape. He explained that the application was for a school with seven classrooms with the ability to extend to fourteen if necessary.

At the recent Area South Committee meeting Councillors had requested the following to be added to their response:

- more available parking spaces at the school;
- means of access via a new road off Lyde Road rather than through the Wyndham Park estate;
- concerns' regarding the white render material to be used on the proposed building.

Mr Tony Cavalier spoke as Vice Chairman of Mudford Parish Council who had suggested that the application should be refused and after taking advice had considered the application to be unlawful. They also felt the application was premature; out of context with the Mudford site; and should not be considered in isolation.

Mrs L Elson representing the CPRE concurred with Mr Cavalier and felt that a school should not be built without the development of houses.

Ward Member Cllr Tony Capozzoli could not support the application, as he did not think the school should be built without planning approval for the houses; however he felt that SCC would implement the application no matter what Councillors said.

The Area Lead South said that SCC would take on board the comments of SSDC.

Cllr Mike Lewis a Divisional Member of SCC declared a personal interest in the application. He shared the same concerns as Mudford PC. He recommended that there should be more car parking spaces and that construction traffic should use a new access route off Lyde Road and not via Wyndham Park. The issue regarding the access needed to be agreed before any school was built; he felt that the application was premature.

Members proceeded to discuss the application, comments and views were expressed including the following:

- Were aware that as soon as the school with the 7 classrooms was built it would be full;
- Parking spaces would be required for staff alone;
- A permanent access road was required not a temporary one;
- Was the site the best possible site for a school?
- This application was a Trojan horse for a larger application;
- Concern that there could be anthrax spores in the vicinity;
- Welcomed this application prior to the houses being built as SSDC had been criticised previously when houses had been built and occupied prior to the infrastructure being in place;
- A school was needed now for the children already living in the area, any so called legal issues would delay the build;
- Need to ensure there was enough space within the application for hard court and soft ground play;
- As there would be a fair bit of soil to be removed wished to ensure that it would be retained on site;
- Would only support the application if it was legal to build the school on ground the other side of the boundary hedge.

In response to queries the Area Lead South and Lead East replied that:

- The Developer of Wyndham Park had previously agreed for the access for construction traffic and operational use to be via Wyndham Park however Area South Councillors had suggested it would be preferable for the access to be off Lyde Road;
- This application was an opportunity for SSDC to steer and guide SCC and if it was considered that the amount of allocated parking was an issue then it needed to be raised;
- With reference to the legality of the application: YV2 - part of the Local Plan -had consistently demonstrated that this was a suitable site, this application would run parallel to that;
- Tests carried out so far on the field adjacent to the school site had not discovered anthrax. If that situation changed then the situation would be reassessed.
- School places were needed now, in the past councillors had requested that infrastructure be put in place prior to houses being built and occupied;
- The original site previously earmarked for a school would probably be transferred to SSDC for extra facilities such as a community hall etc;
- There was a badger mitigation scheme in place as part of the application;
- Because of the design of the application the majority of soil would be used and retained within the site;
- The urban extension would be covered by the Environmental Impact Assessment (EIA) if the school was built without the urban extension an EIA would still not be required.

The Legal Services Manager referred to the test for prematurity, where a court would look for significant prejudice before deciding that an application was premature. If an application was substantially consistent with the adopted policy and master planning process, the possible conclusion is that there was not substantial prejudice here. SCC would need to ensure that they were satisfied they had taken all necessary advice regarding the legality of the application.

Once discussion concluded AEC members resolved that:

Area East could not support the application unless:-

- It was demonstrated that the County Council had satisfied itself with regard to the issues raised by Mudford Parish Council and CPRE.
- Access to the site (for construction traffic and day-to-day use thereafter) was derived via a new road off Lyde Road. This was to avoid the impact on residents of Wyndham Park.
- Significantly more parking is achieved on site, with the suggestion that part of the Wyndham School site could be used for staff parking leaving the parking near the school entrance for visitors etc.
- The potential risk from possible anthrax on a nearby site was thoroughly investigated.
- That as much top soil as possible was retained on-site.
- That due regard was had to the evident badger sett.
- That adequate hard court and soft ground play space was provided for Phases 1 and 2.

A letter would be sent to SCC to report Area East's concerns before Area South's concerns and the drafting of the letter to be agreed with Chairman of Area East prior to it being sent.

On being put to the vote 7 voted in favour of the above comments and the three Somerset County Councillors abstained from voting.

(Voting 7 in favour: 3 abstentions)

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Chairman