

## South Somerset District Council

**Minutes** of a meeting of the **Area East Committee** held at the **Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 11 November 2015**.

(9.00 am - 1.25 pm)

**Present:**

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

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

**Officers:**

Helen Rutter	Area Development Manager (East)
Adrian Noon	Area Lead (North/East)
Angela Cox	Democratic Services Manager
Lisa Davis	Community Office Support Manager
Adron Duckworth	Conservation Manager
Sam Fox	Planning Assistant
Lee Walton	Planning Officer
Kelly Wheeler	Democratic Services Officer
Paula Goddard	Senior Legal Executive

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

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### 105. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the meeting held on 14<sup>th</sup> October 2015, copies of which had been circulated, were agreed and signed by the Chairman, subject to three minor text amendments to Minute 101: 15/02347/OUT – Land OS 1445 part Torbay Road, Castle Cary and the following amendments to the recommendation of approval (in **bold** text):

Justification: The erection of **165 dwellings with 2 hectares of employment land would** provide employment opportunities.

Condition 14. **Numbering error – no condition 14.**

Condition 22. The reserved matters application to include a safeguarded route from Station Road direct to the **proposed** employment area.

and the following addition to Minute 102: 15/02388/OUT – Land at Station Road, Castle Cary: additional condition 16 of approval to read: **Layout should safeguard ability to create suitable access arrangements for adjoining safeguarded route.**

It was noted that these amendments were agreed in consultation with the Area Lead Planning Officer.

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#### **106. Apologies for absence (Agenda Item 2)**

An apology of absence was received from Councillor Nick Colbert.

A last minute apology of absence was received from John Nicholson, Assistant Highway Service Manager, Somerset County Council.

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#### **107. Declarations of Interest (Agenda Item 3)**

Councillor Sarah Dyke-Bracher declared a personal interest in Agenda item - 16 15/03373/FUL: Land West of Tinkers Lane, Southeast of B3081, Cucklington, Wincanton as she is both the chair of Cucklington Parish Council and as a resident of Cucklington.

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#### **108. Public Participation at Committees (Agenda Item 4)**

Lilian Elson, a representative of Holton Heritage Trust addressed the committee. She raised concerns over road works to the Gibbet Road / A371 junction which were promised to commence this year. She pointed out that this work had not yet started and wanted an update on the progress of these works.

She commented that she was pleased with the 30mph road signs which had been installed on the old A303 and also praised highly the staff at the Community Office as she believes that they provide an outstanding service.

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

Councillor Colin Winder reported that he had been contacted by local residents and Wincanton Town Council over the works which were being undertaken at The Dolphin Hotel, Wincanton without the required permission. The Conservation Manager confirmed that listed building consent would have been required for the works which have commenced, but was unsure whether a retrospective application had been received by the Council.

In response, Councillor Colin Winder advised that he would like to see more preventative measures in place to ensure that unauthorised works to listed building do not take place and that in this case he was upset that permission had not been sought for various works to the site.

Councillor Tony Capozzoli reported that he was disappointed that a representative from Somerset County Council Highways department was unable to attend the meeting. He mentioned that following flooding in Bridgehampton the clear up of contaminated soil had been delayed. He would like to see SCC Highways and Yeovilton Parish Council assist in encouraging getting this cleared up and he also reported to the Committee that there was a blocked drain on the highway between Bridgehampton and Queen Camel.

Councillor Sarah Dyke-Bracher wanted to pass on her thanks to the team of rangers that tidied areas of Milborne Port in preparation for the Remembrance Service which was held in the village.

The Chairman and Vice Chairman reported that they had attended the Parrett Internal Drainage Board meeting and that the drainage board would assist in encouraging reports to arrive quicker.

Councillor Tim Inglefield reported that he had attended a Henstridge Airfield Committee meeting and thought that the number of complaints that the airfield had received had been underestimated.

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

It was noted that there had been no recent meetings of the Regulation Committee.

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#### **111. Chairman Announcements (Agenda Item 7)**

The Chairman advised that the Area East Annual Town and Parish Council Meeting had been arranged for the evening of 26<sup>th</sup> January 2016. He welcomed any suggestions for involvement and expressed his encouragement for Parish Councils' to attend to join the discussion.

The Chairman announced that the use of wi-fi internet access was now available for Councillor and public use in the meeting room and requested that the guest access code be readily available at future meetings.

A two minutes silence was held at 11am as a mark of respect for Remembrance Day.

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#### **112. Work of the Conservation Service (Agenda Item 8)**

The Conservation Manager, with the aid of photographs and a power point presentation introduced his report to Members. He advised that his report consisted of two parts. The first part explained the functions and aims of the Conservation Team to provide specialist advice, in particular to the Planning Department but also to others including members of the public and Parish/Town Councils and how the team provides specialist advice on the impact of development proposals on landscape and ecology, historic buildings and trees. The second was to explain the Council's duty to designate and review Conservation Areas.

The Conservation Manager explained that there were some Conservation Areas which had been in place since the 1980's that needed reviewing, however this would be difficult for all Conservation Areas unless specific resources are allocated. He mentioned the programme to review the larger market towns and villages including Milborne Port and pointed out that Conservation Area appraisals should be carried out.

The Conservation Manager responded to members' questions on points of detail regarding specific cases.

Councillor David Norris expressed his thanks to the Conservation Manager and his team for their involvement with the Charlton Adam Conservation Area appraisal.

Members' agreed that committee had set aside funds and that processes were in place to supplement the programme of Conservation Area appraisals.

Councillor David Norris discussed the need for an additional conservation officer and was aware that consultants had previously been used through funds provided by Committee. The Conservation Manager offered a preference for using staff members to gain this valuable knowledge.

The report was noted by Members.

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### **113. Area East Development Plan and Budget - Half Year Progress Report (Agenda Item 9)**

The Area East Development Manager provided members with an update on the progress of projects taking place in Area East to include a loss guarantee for Wincanton Carnival and grant to Sparkford Pavilion to improve kitchen facilities following an adverse report from Environmental Health.

She confirmed that grant applications would be considered at Committee next month. She informed the committee that good progress was being made on a number of neighbourhood plans and a report on the Queen Camel Neighbourhood Plan would be brought to Committee in the New Year.

Good progress is now being made on the Limington to Yeovil multi-user footpath. She updated members that the Bruton Riverside Walk project had been completed and that following an increase in staff in the Economic Development team, that there was more scope to develop priority economic infrastructure projects.

The Area East Development Manager responded to questions from the Committee.

Councillor Tony Capozzoli expressed his appreciation to officers involved with the Ilchester to Yeovilton cycle path project and hoped to see more cycle paths created. The Chairman also offered his thanks to their support to the community.

Members noted the report.

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### **114. Somerset Highways Report - Area East (Agenda Item 10)**

An apology of absence was received from the Assistant Highway Service Manager.

It was agreed that the report would be discussed at the next Committee meeting.

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### **115. Community Offices Update (Agenda Item 11)**

The Community Office Support Manager addressed the committee to summarise her report and detail recent survey results. She explained to members that although there was a reduction in footfall/enquiry figures across all of the community offices, the enquiries received were more complex and time consuming.

The members noted the report and the update given and thanked the Community Office Support Manager and the Community Teams.

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**116. Area East Committee Forward Plan (Agenda Item 12)**

The Area Development Manager (East) advised that she hoped a report from SCC Highways Department would be presented to the Committee in December. She informed the Committee that the report updating the Provision of Medical Care in Area East and an update of the Citizens Advice South Somerset may be delayed until January.

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**117. Planning Appeals (Agenda Item 13)**

Members noted the planning appeal decisions which had been made on Land at Camp Road, Dimmer Lane, Castle Cary and Land to the rear of Wincanton Hospital, Dancing Lane, Wincanton.

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**118. Date of Next Meeting (Agenda Item 14)**

Members noted that the date of the next meeting would be Wednesday 9<sup>th</sup> December at 9.00am at Churchfield Offices, Wincanton.

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**119. Schedule of Planning Applications to be determined by Committee (Agenda Item 15)**

Members noted the Schedule of Planning Applications.

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**120. 15/03373/FUL Land West of Tinkers Lane, Southeast of B3081, Cucklington, Wincanton (Agenda Item 16)**

***The erection of solar photovoltaic panels and associated works and infrastructure, including switchgear, inverter stations, access tracks, security fencing, security cameras, grid connection, together with temporary construction access, compound and unloading area***

The Planning Officer presented the application as detailed in the agenda and with the aid of a power point presentation showing the site and proposed plans. He updated members that an additional letter of support had been received from a local resident which offered support for renewable energy. An additional consultation response had been received from Somerset Archaeology suggesting that if members were minded to approve the application, that they would like to see a condition included to ensure that archaeology works were undertaken on site as detailed in the written scheme of investigation.

The Planning Officer told members that the original scheme had now been amended to reduce the area covered by the solar array.

His recommendation was therefore to approve the application as detailed in the agenda report, subject to an additional condition to ensure the written scheme of investigation was implemented.

The Committee were then addressed by Mr C Dunford on behalf of Cucklington Parish, Cllr P Williams of North Dorset DC, Mr S Firbank of Bourton Parish Council, Mr P Munro, Mr L Fraser of Save the Vale, Mr B Trueman and Mrs PJ Trueman as residents of Cucklington, and Miss L Elson who all spoke in opposition to the application. Their comments included:-

- The village of Cucklington was renowned for its views from the surrounding hills and the proposed solar panels would impact upon this and tourism in the area.
- There were already two solar panel farms nearby and there would be less than 2km between the Siltan solar array and the Clapton Farm array.
- Bourton PC were not consulted on the application which contravenes the Bourton Village design statement. The applicant amended the scheme but it is now more visible to residents of Bourton.
- Were the Royal Airforce consulted as the area was used for low level flights?
- The lane which would be used to access the site was within Dorset and there was no record of Dorset County Highways being consulted on the traffic management plan.
- Local residents in the surrounding villages, the local MP, the CPRE and the Save the Vale were all opposed to the proposal. The only people in favour were those who would profit by it.
- This was very good farming land and already two thirds of the UK's food was imported creating more food miles and emissions.

The Committee were then addressed by Mr M Harding-Rolls of British Solar Renewables, the applicants. He said the solar array would provide electricity sufficient to power 1,628 homes per year. The application was particularly mindful of the tenant farmer and the agricultural land would not be lost as sheep could graze within the site and cattle grazing could take place around the site. He said additional planting and raised hedgerows would provide a discreet site, which had been reduced by 50% in size from the original plans, following local concerns. Community benefit had been offered and accepted by the parish.

The Ward Member, Councillor Mike Beech, said the application had been scaled back from the original proposal and he felt that the views from the right of way had been mitigated. He said if permission were refused then it may be granted on appeal whereas if the Committee agreed permission then the access arrangements could be dealt with in conditions.

During discussion, Members questioned whether full consultation had taken place.

The Area Lead (North/East) confirmed that the M.O.D do not wish to be consulted on applications for solar arrays and that all consultations had been carried out in line with procedures. However, Dorset County Council Highways had not been consulted as the highway adjoining the site was within Somerset.

The Area Lead informed members that additional conditions could be added to ensure approval was subject to no objection being raised by Dorset County Council highways and additional archaeological safeguarding condition 14 as requested by archaeologist.

It was then proposed and subsequently seconded that planning permission be approved as per the officer's recommendation and subject to the additional conditions as agreed.

On being put to the vote this was carried by votes in 5 favour, 4 against and 1 abstention.

**RESOLVED:**

That planning application **15/03373/FUL** be approved subject to no objection being raised by Dorset County Council highways department

Justification

01. 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 of the proposed PV panels on the local landscape character, visual appearance and heritage assets. As such, the proposal accords with the Government's objective to encourage the provision of renewable energy sources and the aims and objectives of the National Planning Policy Framework, and Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan 2006- 2028.

**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:  
1088-0200- 01 Issue 01  
1171-0201- 01 Issue 011  
1171-0204- 00 Issue 01  
1171-0205- 04 Issue 01  
1171-0903- 05 Issue 01  
1171-0206- 15 Issue 01  
1171-0207- 16 Issue 01  
1171-0207- 40 Issue 01  
1171-0208- 10 Issue 01  
1171-0208- 54 Issue 01  
1171-0208- 71 Issue 01,  
694-03H, received 23 July 2015.

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

03. Prior to commencement of development a Landscape and Ecology Management Plan detailing measures and management of the site for the benefit of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecology Management Plan to include hedge height maintenance

shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

04. 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 6 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 the structures, materials and any ancillary equipment which shall be removed from the site.

Reason: In the interests of character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

05. Before any building or engineering works are carried out on the site, a construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall include the relevant visibility splays and shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.

Reason: In the interests of highway safety further to policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

06. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport/vehicle sharing amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Highway Network.

Reason: In the interests of highway safety further to policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

07. A Condition Survey of the existing public highway will need to be carried out and 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.

Reason: In the interests of highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.



08. 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 the commencement of work and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

09. No means of external illumination/lighting shall be installed within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape character and visual appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

10. The landscape planting scheme shall accord with drawing number 694-03H that removes the fastigiata cultivar that should be replaced by hedgerow hornbeam trees (*Carpinus betulus*). The scheme shall be implemented in the first planting season following the completion of the development. Any trees or plant that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and landscape character further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

11. Colour tones of all associated structures shall accord with the details given in the applicant's letter of the 20 October 2015.

Reason: In the interests of visual amenity further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

12. The access arrangements off Tinkers Lane required during the temporary construction period shall be removed and the simple field access reinstated on completion of the solar array development hereby permitted.

Reason: In the interests of character and appearance further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

13. The recommendations under 7.69 to 7.74 of Planning and environmental report shall be undertaken as part of the planning permission.

Reason: For the conservation and enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

14. The applicant, or their agents or successors in title, must implement and complete the programme of archaeological work in accordance with the submitted written scheme of investigation which has been approved by the local planning authority.

Reason: In the interests of the site's archaeology in accordance with Policy EQ3 of the South Somerset Local Plan 2006- 2028

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**121. 15/02991/S73 New House Farm, Burrowfield, Bruton (Agenda Item 17)**

***Section 73 application to amend condition 2 of planning approval 11/00411/FUL dated 11.03.2013 to revise house types and remove condition 09 to allow construction traffic to access site from Frome Road***

The Planning Officer introduced the report as detailed in the agenda with the assistance of a power point presentation.

The Committee were addressed by Mr D Bishop representing the Cuckoo Hill Residents Association who spoke in support of the application to allow construction traffic to use an alternative site entrance. He raised problems within the existing development such as parking, volume of traffic and large vehicles. He hoped that these problems would ease should this application be approved.

Following a short discussion, it was proposed and subsequently seconded to approve the planning application as per the officer's recommendation.

On being put to the vote this was carried unanimously.

**RESOLVED:**

That application **15/02991/S73** be approved as per the officers recommendation.

**Justification**

The variation of conditions 2 and 9 would have no adverse impact on highways safety or visual amenity. As such the proposal complies with policies SD1, TA5 and EQ2 of the South Somerset Local Plan 2006-2028. Overall the provision of 9 units of much needed housing would contribute towards the district wide need for additional homes. The proposal is of an acceptable form, design and layout that would have no negative impact on amenity, highways safety or the character of the locality. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028.

**SUBJECT TO THE FOLLOWING:**

1. The development hereby permitted shall be begun within three years of the approval of the original permission reference 11/00411/FUL, dated 11/03/13.

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans:-

BT-LP-001A; BT-EF-001D; BT-PL-002D; BT-SS-001B; BT-LL-001D; G-P/BRU-01A; BT -D-T/01A; BT-G-P/BER-01D; BT-G-P/BUC-01A; BT-BRN/01A; BT-BUN/01A; and BT-G-P/GAR-01B

Reason: To clarify the development hereby approved as the submitted plans have been amended.

3. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction; hours of construction; routing for construction vehicles; construction access and compound areas including parking for construction and contractors vehicles; and measures to reduce noise and dust and to ensure all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

4. No development hereby approved shall be commenced until surface water drainage details, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage techniques where appropriate and shall include measures to prevent surface water from private properties draining onto the public highway. Once approved such details shall be fully implemented prior to the occupation of any of the units and shall be maintained in good working order at all times thereafter.

Reason: To ensure that the development is adequately drained in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

5. No development hereby approved shall be carried out until such time as details of the proposed levels have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

6. No development hereby approved shall be carried out until particulars of 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 and doors;
  - c. details of all hardstanding and boundaries;
  - d. details of the rainwater goods and eaves /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 2006-2028.

7. No dwelling or flat shall be occupied until its parking spaces have been provided in accordance with the plans hereby approved. Thereafter all parking spaces shall be kept free of obstruction and available for the parking of residents cars at all times.

Reason: To ensure that adequate parking is provided at all times in the interests of residents amenities in accordance with policy TA6 of the South Somerset Local Plan 2006-2028.

08. None of the dwellings hereby approved shall be occupied until a 1.8m footway has been provided on the Frome Road frontage as shown generally in accordance with the submitted layout plan, such highway works to be carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of pedestrian safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

09. No construction traffic shall access the site from Frome Road unless details of the formation, surfacing and removal/stopping up of a temporary construction access, generally in accordance with drawing BT-CVA-001, together with safety measures to be implemented during use, have been submitted to and approved in writing by the local planning authority. Once approved such temporary access shall be formed in accordance with the approved details prior to first use and shall only be used in accordance with the agreed safety measures. Within 1 month of the cessation of use of the temporary access it shall be stopped up and made good in accordance with the agreed details.

Reason: In the interests of pedestrian and highways safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

10. The proposed access road and any associated, footways, footpaths, tactile paving, cycleways, bus, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of pedestrian and highways safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

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

Reason: In the interests of pedestrian and highways safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

12. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed on the internal estate road and Frome Road frontage in

accordance with a design and specification to be approved in writing by the Local Planning Authority

Reason: In the interests of pedestrian and highways safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

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**122. 15/03371/S73A The Two Swans, Station Road, Castle Cary (Agenda Item 18)**

***Section 73A application to vary planning condition 06 of approval 11/00822/FUL to allow the substitution of plans to regularise that which has been built. Reconfiguration of Plot 1 to provide rear access and private garden following relocation and increased width of footpath***

The Planning Officer introduced the report as detailed in the agenda with the assistance of a power point presentation, which included a photograph submitted by Castle Cary Town Council.

Pek Peppin, representing Castle Cary Town Council addressed the committee and spoke in opposition to the application. She informed the Committee that the Town Council feel strongly that the retrospective application is very different to previously approved plans and that the façade should be improved. She expressed her concern that the wrong message will be sent out if a retrospective application is approved and that planning rules should be followed.

Mr C Kay addressed the committee and spoke in opposition to the application. He believed retention of the character of buildings in market towns was important. He expressed his concern that this would set a precedent for further unacceptable design.

Mrs J Fawcett, the agent acting on behalf of the applicant addressed the committee and spoke in support of the application. She thanked the Planning Officer for writing a detailed report and provided an explanation of the works carried out. She explained that the amendments would avoid future maintenance issues and that the applicant has provided a footpath which compressed the size of the site further. It was thought that the design blended in with the existing streetscene and that the adjoining terrace will provide screening.

During the short discussion, the agent pointed out that there was an omission on one of the drawings and that a chimney should have been included.

It was proposed and subsequently seconded that approval be given subject to an additional condition to agree chimney details.

On being put to the vote this was carried 8 votes in favour, 0 against and 2 abstentions.

**RESOLVED:**

That application **15/03371/S73A** be approved subject to the officers recommendation and additional condition 6 to agree chimney details.

Justification

01. The proposed development is of an appropriate design, scale, massing and appearance that would respect the character and appearance of the locality. The lack of on-site car parking is acceptable in this town centre location and the footpath can be delivered by condition. As such the proposal complies with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 4/03/2013.

Reason: To comply with Section 73A of the Act.

02. Within 1 month of the date of this permission, particulars of all boundary treatments and hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. Once approved such details shall be fully implemented unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan, 2006-2028.

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or outbuilding shall be erected without the prior express grant of planning permission.

Reason: To safeguard visual and residential amenity in accordance with policy EQ2 of the South Somerset Local Plan, 2006-2028.

04. Within 1 month of the date of this permission full details of the siting, design, materials and mechanism of on-going maintenance of a footpath across the site, as indicated in the submitted site layout 107.00.10 received 22 July 2015, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling unit hereby approved shall be occupied until such footpath has been constructed in accordance with the approved details, whereafter the footpath shall be retained and maintained.

Reason: In the interests of securing pedestrian access directly to Station Road and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

05. The development hereby permitted shall be carried out in accordance with the following approved plans: 107.00.00F; 01A, 02; 05C; 10A and 11A received 22.07.2015, and 107.02.00; 107.00.04b; and 107.01.00 received 28.09.2015; and external details note submitted as part of the application.

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

06. Chimney details shall be submitted to and agreed in writing by the Local Planning Authority. Such details as shall be agreed shall be undertaken as part of the development hereby permitted.

Reason: In the interests of visual amenity further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

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**123. 15/03853/FUL Land adj 2 Rush Close, Folly Lane, South Cadbury (Agenda Item 19)**

***Application for the erection of 1 no. two bedroom dwelling house on land adjacent to 2 Rush Close with associated access and landscaping***

The Planning Officer introduced the report as detailed in the agenda with the assistance of a power point presentation. He explained that this was a full application following an earlier outline application which was refused at appeal. He pointed out Historic England have recommended refusal of the application and that in his report he recommends that the application be refused.

Andrew Trigay, the Planning Agent addressed the Committee. He informed Members that there was a genuine local need behind this application to allow a young family to remain in the village and that the single well designed dwelling would not cause demonstrable harm. He pointed out to Committee that there had been a significant level of support for this application from neighbours and the Parish Council.

Justin Patterson, the architect addressed the Committee. He explained that the application was sought by a family with a long line of relatives who has lived in the village their whole lives. He stated that the dwelling was not a two storey dwelling, but only one and a half storeys high and that this modest house has received Parish Council support to this proposal.

Following a short discussion, it was proposed and subsequently seconded to approve the application contrary to officer recommendation on the grounds that:

- the proposed dwelling would have no undue adverse impact upon the setting of the Scheduled Ancient Monument and would meet a local need for smaller dwellings. As such the proposal complies with policies SS2, EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

Subject to a S106 agreement to secure affordable housing contributions as required by policy HG3 and the following conditions:-

1. Time limit
2. Plans
3. Materials, incl doors, windows, boundary treatments, hard standing etc.
4. Removal of PD rights from extensions to ensure that the approved dwelling continues to meet the identified need.
5. Landscaping archaeology

On being put to the vote, 8 voted in favour, 1 against and 1 abstention.

**RESOLVED:** that planning permission be approved contrary to officers recommendation subject to the following conditions:

Justification

01. The proposed dwelling would have no undue adverse impact upon the setting of the Scheduled Ancient Monument and would meet a local need for smaller dwellings. As such the proposal complies with policies SS2, EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

**SUBJECT TO THE FOLLOWING CONDITION(S):**

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: 3562/001 and /004 RevB, received 1 October 2015, /003 RevA, /002, /005, /006, received 21 August 2015

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

03. No development hereby approved shall be carried out until particulars of 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 doors and windows
- c. details of hardstandings
- d. details of boundary treatments

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 2006- 2028.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: To ensure that the dwelling continues to meet the identified need.

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 a strong boundary hedgerow. The agreed details 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 boundary related planting which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.



Reason: In the interests of visual amenity, and character and appearance further to Policy EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

06. 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 investigations work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: In the interests of archaeology further to Policy EQ3 of the South Somerset Local Plan 2006- 2028.

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**124. 15/03596/FUL Holbrook Farm Barns, Bratton Seymour, Wincanton (Agenda Item 20)**

***Renovation of barns and change of use to B1, office and workshops for decorative arts company***

The Planning Officer introduced the report as detailed in the agenda with the assistance of a power point presentation. He informed Members that application for listed building consent which accompanied this application has been approved since the report had been published.

He confirmed that his recommendation contained within the report was to approve the application.

Councillor Mike Beech, Ward Member spoke in support of the application. He said that this was a good use of the site and asked that approval be granted.

After a very short discussion, it was proposed and seconded to approve the application as per the officer's recommendation.

The voting was unanimous in favour.

**RESOLVED:** That the application be approved subject to conditions as per the officers recommendation.

**Justification**

01. The proposal including the change of use, by reason of its design, scale and materials, respects the character and setting of the listed building, does not have a detrimental impact on highway safety and neighbour amenity and accords with the aims and objectives of Policy EQ2 and EQ3 of the South Somerset Local Plan, 2006- 2028.

**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: 001B, 011A and 010B received 2.10.2015, and 006A, 002A, 005A, 003A and 004A received 28 September 2015, 003A received 5.08.2015 and Location and Block Plans received 13.08.2015.

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

03. All plant growth and hedging across the frontage of Holbrook farmhouse shall be kept cut back and not overhanging the roadside boundary so as to maintain visibility of the nearside main road for a minimum distance of 120 metres.

Reason: In the interests of highway safety further to Policy TA5 of the South Somerset Local Plan 2006- 2028.

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**125. 15/03640/FUL Land OS 5464, Hilltop Road, Pen Selwood (Agenda Item 21)**

***Change of use and erection of a block of 3 stables***

The Planning Officer presented the report as detailed in the agenda with the aid of a power point presentation. She provided an updated to members to explain that an amended plan had been received and that the stables were now proposed to be positioned 3 meters away from the boundary, rather than 2 meters.

Jenny Steadman, Chairman of Pen Selwood Parish Council addressed the Committee. She explained that the needs of both the applicant and the neighbour were recognised. She pointed out that clarity was needed over the positioning of the muck heap and would like to see a planning condition to confirm this. She suggested that a 5 meter distance from the boundary would ensure that there were no adverse effects of the neighbours' well and would allow easier hedge cutting.

Mrs Bradley addressed the Committee to speak in objection to the application. She explained that she had concerns over the stable being too close to the boundary and a working well which was contained within her home. She pointed out that her residential amenity would be damaged. She expressed concerns that the proposal will not comply with SSAFO and COGAP regulations.

Mr W Porter, representing the applicant spoke in support of the application. He stated that part of the hedgerow could not be cut due to the close proximity of the neighbours buildings. He confirmed to Members that the muck heap will be positioned at the top of the site.

Councillor Mike Beech, the Ward Member recognised that the stables were close to the neighbouring property and that he had concerns, but was now satisfied over issues relating to the watercourses. He expressed that he would like to see a condition included to ensure that the muck heap was on a concrete base with an effluent catch.

After a short discussion, it was proposed and subsequently seconded to approve the application as per officer recommendation subject to an amended condition to detail revised plans received on 9<sup>th</sup> November 2015 and a further condition to ensure that manure heap/drainage provisions to be agreed by Planning.

On being put to the vote, this was carried 8 votes in favour, 1 against and 1 abstention.

**RESOLVED:** That planning permission 15/03640/FUL be agreed subject to the following:

Justification

01. The proposal, by reason of size, scale, materials and use causes no demonstrable harm to residential amenity, respects the visual amenity of the wider AONB and does not cause unacceptable harm to the distinctive character and quality of the Local Landscape in accordance with the aims and objectives of policies EQ2 (General Development), EQ\_ (Pollution Control) and EQ8 (Equine Development) of the South Somerset Local Plan (Adopted 2006-2028) and the provisions of the NPPF (2012).

**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 materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with saved policy EQ2 (General Development) of the South Somerset Local Plan (2006-2018) and the provisions of chapter 7 of the National Planning Policy Framework.

03. No means of external illumination shall be installed on any part of the site without the prior written consent of the Local Planning Authority. Any details that may be agreed shall not be subsequently altered unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of residential and visual amenity and to comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. There shall be no burning of any waste in association with the proposal on the site.

Reason: In the interests of residential amenity and to comply with policy EQ7 of the South Somerset Local Plan (2006-2028).

05. The building hereby approved shall be used on for the keeping of horses for the private and recreational purposes of the occupants of Selwood Green and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application has been assessed on this basis only and in the interests of safeguarding amenities in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

06. The development hereby permitted shall be carried out in accordance with the following approved plans: Details and drawings received on 29 July 2015 and 19

August 2015 and details received by email from the applicant on 24 September 2015 and amended plan received by email from the applicant on 09 November 2015.

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

07. Prior to the commencement of the development hereby approved details of the construction of the containment for the muck heap shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be completed before the development hereby approved is first brought into use and shall thereafter be retained and maintained at all times in the position as indicated in amended drawing received by email from the applicant on 09 November 2015 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028)

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Chairman