

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Council Offices Churchfield Wincanton on Wednesday 10 August 2016.**

(9.00 am - 12.55 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

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

Officers:

Kelly Wheeler	Democratic Services Officer
Helen Rutter	Assistant Director (Communities)
Paula Goddard	Senior Legal Executive
Andrew Gunn	Area Lead (West)
Lee Walton	Planning Officer
Emma Meecham	Planning Assistant
Tim Cook	Neighbourhood Development Officer (East)
Lisa Davis	Community Office Support Manager

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

41. Minutes of Previous Meeting (Agenda Item 1)

(Councillor Mike Beech left the room during the discussion as he felt that the Committee might be acting ultra vires)

Councillor Tim Inglefield suggested some amendments to the minutes in relation to agenda item 18 (planning application for Henstridge Airfield). He pointed out that at the previous meeting he had proposed that a time limit be imposed to the time in which the section 106 be agreed and signed by the applicant. He had also proposed that the pilots log should contain further information such as the pilot's name, to be included within the management agreement and s106 agreement.

Members agreed to defer the signing of the minutes until the end of the meeting to allow the Chairman to seek advice from the Senior Legal Executive.

At the end of the meeting, following advice from the Senior Legal Executive, members resolved that the minutes of the previous meeting, copies of which had been circulated, were correct and were agreed by the Chairman subject to the amendments which were suggested by Councillor Tim Inglefield.

(Councillor Mike Beech was now present)

Members requested that an update report on the progress of the s106 for the Henstridge Airfield application be included on the November agenda for Area East Committee.

42. Apologies for absence (Agenda Item 2)

Apologies of absence were received from Councillor Sarah Dyke and Councillor Henry Hobhouse.

43. Declarations of Interest (Agenda Item 3)

Councillor Colin Winder declared a personal and pecuniary interest in agenda item 17 (planning application 16/02257/FUL) as he was acting as a planning agent for the application. He left the room during discussion of the item.

44. Public Participation at Committees (Agenda Item 4)

Angela Barton addressed the Committee to make comments on the minutes taken for planning application 15/04069/FUL which was discussed at the previous meeting (agenda item 18). She explained that she found the meeting confusing without the provision of a PowerPoint presentation and read out a statement which detailed a further 7 amendments which she felt should have been included within the minutes.

Bruce Matthews, a resident of West Mudford addressed the Committee. He explained to members that the road between Ashington and Lovington was increasingly being used by lorries which were operating from a business at West Farm. He explained that the road was not suitable for this heavy traffic, that damage was being caused to the road and that it was dangerous. He also pointed out that the business was creating high levels of noise and were operating at anti-social hours.

Kay MacKenzie, another resident of West Mudford addressed the Committee. She was also a resident of West Mudford and raised similar concerns over the business which was operating at West Farm. She further raised concern over some bunding which had taken place along the river bank and thought that this could further exacerbate the flooding problems in the area.

The Assistant Director (Communities) agreed to discuss this with the Development Control Manager and the drainage board.

Councillor Winder raised concern over a leaflet which was being handed out to vulnerable, older people in sheltered homes by Yarlinton Housing Group which he thought, had a threatening tone. The Assistant Director (Communities) agreed to raise this with YHG.

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

Councillor Tim Inglefield advised that he had attended a meeting of the South West Audit Partnership Ltd to consider their annual reports.

46. Date of Next Meeting (Agenda Item 6)

Members noted the date of the next meeting would be Wednesday 14th September at 9am at The Council Offices, Churchfield, Wincanton.

47. Chairman Announcements (Agenda Item 7)

The Chairman advised that the Area East Planning Tour had been arranged for the morning of Thursday 15th September which would be focusing on developments which would be creating jobs.

He also advised that in the relation to the Regeneration Board Meetings, further feasibility assessments were being carried out with Economic Development and Planning on the Moor Lane site. The Area East Regeneration board would be meeting the Wincanton Race Course Manager and a networking event for visitor attractions was being arranged.

He requested that members encourage Town and Parish Councils to attend the Housing and Employment Land Availability Assessment workshop which was being held at The Area Council Offices, Churchfield, Wincanton on the evening of 14th September.

48. Area East Community Funding Support Schemes 2015/16 (Agenda Item 8)

The Area Development Lead (East) presented his report to members. He summarised the assessment process for applications and explained that there were both small and larger grants available. He further pointed out that there were additional budgets which could be used for projects.

He advised members that during 2015/16, 7 capital projects had been supported, all of which were fairly spread across Area East geographically.

He pointed out to members that projects are often generated following the development of a Community Plan and that Milborne Port and Bruton are currently revising and updating Community Plans.

With the aid of a PowerPoint presentation, images of successful grant aided projects were shown to members. This included Cale Park in Wincanton and the Kingsdon Community Shop.

He responded to member's questions and members noted the report.

49. Heart of Wessex Rail Partnership Update (Agenda Item 9)

The Assistant Director (Communities) presented her report to members. She advised that the contribution from Area East, if approved, would be approximately 3% of the running cost of the partnership. She further explained that the passenger journey figures had reduced and thought this was due mainly to extensive rail disruption further up the line.

She advised that further evaluation was planned with the long-term aim of an hourly train service and that South West Trains had added additional train services.

She further advised that a Somerset Officer was now the Chairman of the partnership and pointed out current projects included new running in boards at Castle Cary and investigation of a south side passenger access at Bruton railway station.

It was proposed and seconded that members agree the contribution of £2000 from the members' discretionary budget towards 2016/17.

In being out to the put this was carried unanimously.

RESOLVED: 1) that members note the report, and
2) agree a funding contribution of £2000 from the members' discretionary budget towards 2016/17.

(Voting: unanimous)

50. Community Offices Update (Agenda Item 10)

The Community Office Support Manager presented her report to the Committee.

Her comments included;

- During 2015/16, 43% of enquiries received at Community Offices were for benefit assistance which was best carried out face-to-face.
- Universal Credit which is due to be rolled out in the spring next year could have a knock on effect on council tax reductions.
- Online benefit applications were being encouraged to ensure services were provided in the most efficient way. Universal Credit applications will need to be made online. The Community Offices will be able to help applicants.
- The Community Support team can provide telephone support to the Customer Services team at peak times.

She responded to questions from members. The Chairman thanked her for attending.

RESOLVED: that the report be noted.

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

The Assistant Director (Communities) advised members that the Growing Space funding request which was detailed on the Area East Forward Plan for September would now be included on the agenda for the October meeting.

RESOLVED: that the report be noted.

52. Planning Appeals (For information only) (Agenda Item 12)

Members noted the appeals which had been determined.

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

Members noted the Schedule of Planning Applications.

54. 16/00677/FUL - Land OS 3969 Devenish Lane, Bayford, Wincanton (Agenda Item 14)

Application proposal: Erection of 3 dwellings and ancillary works

The Planning Officer presented his report to members with the aid of a PowerPoint presentation. He advised members that he had received a late letter of objection which raised concern over constant foul drainage problems and an access gate.

He also advised members that he had revised the second reason for refusal following advice from the Rights of Way Officer and displayed this amendment on the PowerPoint presentation. He continued to read out a copy of a letter which he had sent to the applicant in response to a letter which had been sent to the members of the Committee by the planning agent which clarified that the applicant was not seeking the removal of the hedgerow, but to move the hedgerow.

Tim MacCaw, a representative of the Parish Council addressed the Committee. He advised members that he wanted to see the hedgerow retained as this historic hedgerow formed the parish boundary. He pointed out that the footpath along the site was now inaccessible and that a hedgerow which ran along the adjoining site had been removed without permission. He felt that the close board fencing was inappropriate and the gravel path meant that it was difficult to walk on.

Mr Keatch and Mr Durant addressed the Committee. Their comments included that;

- They did not want the ancient hedgerow to be removed
- They would like the footpath reinstated
- A manhole cover for foul waste has been covered and the position of which cannot now be located.
- The site is not in a sustainable location
- The dwellings would be detrimental to the surrounding area

Matthew Kendrick, the agent, addressed the Committee. He explained several points to members including;

- The site was an easy walking distance to the town and that the site was in a sustainable location.
- The fence was erected to secure the site and to prevent fly-tipping and that this could be painted and removed once the hedgerow was established.

- It was proposed that the hedgerow be translocated and not removed.
- The footpath was 1.8 meters wide and that any problems with the accessibility of the site are due to the maintenance of the hedge. It was his view that this problem would be alleviated by a condition to ensure the removal of the fence.
- No disruption would be made to the drainage and water supplies to existing properties.

Councillor Mike Beech advised the Committee that he had concerns over the fence, footpath and amenity of residents.

During the discussion, the Planning Officer explained that the tree officer had little confidence that the hedgerow could be translocated successfully and further advised that he had found a very rare orchid growing within the hedgerow.

He also confirmed that a condition could be added to ensure that the fence is removed once the hedgerow is established, should the planning application be approved.

Following the discussion, it was proposed and seconded that planning permission 16/00677/FUL be approved, contrary to the officer report, subject to conditions as suggested by the planning officer.

On being put to the vote, this was not carried with 3 votes in favour, 5 against and 1 abstention.

It was then proposed and seconded that planning permission 16/00677/FUL be refused as per the officer report, with amendment to reason for refusal 2.

On being put to the vote, this was carried 4 votes in support, 3 against and 2 abstentions.

RESOLVED: that planning permission 16/00677/FUL be refused as per the officer report, with amendment to reason for refusal 2.

Reasons for refusal

01. The loss of the significant Parish hedgerow boundary would result in adverse harm by virtue of the historic and ecological interests associated with this historic landscape feature contrary to the aims and objectives that seek to preserve existing landscape character, appearance and local distinctiveness contrary to Policy EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006- 2028.
02. The proposal would result in the unacceptable narrowing of the historic cart-way (ref: WN30/13) to the barns, now known as Hillside Barn, which, by reason of the means of enclosure and lack of width, would result in a significantly less attractive and accessible right of way to the detriment of users. As such the proposal is contrary to Policy EQ2 of the South Somerset Local Plan 2006- 2028, and para.75 of the NPPF.
03. The proposal lacks any outward landscaping to soften the impact of the development being detrimental to character and appearance, local distinctiveness and visual amenity, contrary to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

(Voting:4 in favour, 3 against and 2 abstentions)

55. 16/02009/S73 - Crofters, Higher Holton Lane, Holton (Agenda Item 15)

Application proposal: Application to remove Condition 4 (Agricultural occupancy) of approved planning permission 45934/ A dated 26th June 1964.

The Planning Officer presented his report to members with the aid of a PowerPoint presentation. He advised members that the applicant had not provide a marketing appraisal in support of the planning application and further advised members that a new dwelling would not normally be supported in this location.

Lilian Elson addressed the Committee to speak in support of the application on behalf of the applicant. She informed members that it was no longer viable for the applicant to run a small scale business on the site.

John Loosemore, the planning agent, addressed the Committee. He pointed out to members that the agricultural condition had been imposed in 1964 and that things were very different then. He further explained that the ownership of the land used to be much larger at about 10 acres and was now only 4.5 acres. He also advised that this was a modest bungalow, just outside the village, close to other dwellings. He concluded that agricultural numbers had reduced and the condition is outdated.

Councillor William Wallace noted that the property had not been marketed, but felt that the applicant would stay in the property rather than look to sell and move home.

Councillor Tim Inglefield advised the Committee that he would like to support the application but would like to see an exceptional reason to do so.

During the discussion, it was suggested that the applicant could market the property for 6 months, rather than a year.

Following the discussion, it was proposed and seconded that the agricultural tie be removed contrary to the officer recommendation.

On being put to the vote, this was carried 5 votes in support, 3 against with 1 abstention.

RESOLVED: that planning application 16/02009/S73 be granted, contrary to the officer recommendation.

For the following reason;

01. The applicant has demonstrated that the current agricultural occupancy condition is no longer valid and does not serve any useful planning purpose. The application is in accord with Policy HG10 of the South Somerset Local Plan 2006-2028.

(Voting: 5 in support, 3 against with 1 abstention)

56. 16/02563/FUL - Casa Mdena, Camel Street, Marston Magna (Agenda Item 16)

Application proposal: Erection of a rear extension

The Planning Assistant presented her report to members with the aid of a PowerPoint presentation. She informed members that there would be no windows on the first floor level of the southern elevation which faced the adjoining property.

Ceri Stephens, representing the applicant, addressed the Committee to speak in support of the application. She advised members that this was a large plot on the edge of the village. She confirmed that the applicants have a right to use the access lane to the side of the dwelling and that this would not be obstructed. She also advised that there was nothing to suggest that the extension would be used by anyone other than the applicants.

Councillor Mike Lewis mentioned that the applicants had done a good job in tidying the site and agreed that concerns over the access were a civil issue, but hoped that the lane remained assessable and unobstructed.

Following the discussion, it was proposed and seconded that the planning application be approved as detailed in the officer report. On being put to the vote, this was carried unanimously.

RESOLVED: that planning application 16/02563/FUL be approved, subject to conditions, as detailed in the officer report.

Justification

01. The proposal by reason of its location, size, materials and design will have no substantial adverse impact on visual or residential amenity or highway safety in accordance with the aims and objectives of policies EQ2 and SD1 of the South Somerset Local Plan (2006-2028) and the relevant sections of the National Policy Planning Framework 2012.

Subject to the following conditions;

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 approved plans received 2 June 2016.

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

03. The external surfaces of the development hereby permitted shall be of materials as indicated in the application form and no other materials shall be used without the prior written consent of the local planning authority.

Reason: To ensure that the local character and distinctiveness of the area is not adversely affected in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The accommodation to be provided within the development hereby permitted shall remain as permanent ancillary accommodation to the dwelling known as Casa

Mdena and shall be occupied only by persons of the same household. There shall be no subdivision of this single residential planning unit.

Reason: The accommodation is not considered suitable for separate use, because of the relationship between it and adjacent dwelling(s), in line with the aims and objectives of policy EQ2 of the South Somerset Local Plan (2006-2028).

05. 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 additional windows, including dormer windows, or other openings (including doors) shall be formed in the south elevation of the extension hereby approved, or other external alteration made without the prior express grant of planning permission.

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

(Voting: unanimous)

57. 16/02257/FUL - New Barn, Sunnyhill Farm, Riding Gate (Agenda Item 17)

Application proposal: Conversion of barn to dwelling (alternative scheme) to include the erection of a conservatory and to retain changes to approved scheme

The Area Lead (North/East) presented his report to members with the aid of a PowerPoint presentation.

Councillor Mike Beech advised members that the planning application had been referred to the Committee in line with the Scheme of Delegation as Councillor Colin Winder was acting as a planning agent.

Following the short discussion, it was proposed and seconded that the planning application be approved, subject to conditions, as detailed in the officer report.

On being put to the vote, this was carried unanimously.

RESOLVED: that planning application 16/02257/FUL be approved, subject to conditions, as detailed in the officer report.

Justification

01. Notwithstanding local concerns the proposed curtilage and conservatory would have no adverse impact on the setting of the listed building, the character and appearance of the locality, residential amenity or highways safety. As such the proposal complies with policies EQ2, EQ3 and TA5 of the South Somerset Local Plan 2006-2028.

Subject to the following conditions;

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

Location plan and site plan; roof plan; HCM/12/2/2A and HCH/12/2/4B and HCM/12/2/5A received 13/05/16.

Reason: To clarify the development hereby approved.

02. Prior to its completion, details of the external materials for the conservatory hereby approved shall be submitted to and approved in writing by the local planning authority. Once approved the conservatory shall be constructed used the approved materials and not subsequently altered without the prior express grant of planning permission.

Reason: In the interest of visual amenity and to safeguard the setting of the nearby listed building in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

03. 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), no extensions, other than those agreed as part of this application, shall be erected without the prior express grant of planning permission.

Reason: In the interest of visual amenity and to safeguard the setting of the nearby listed building in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

04. 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), no outbuildings, garages or other structures, other than those agreed as part of this application, shall be erected within the curtilage hereby approved without the prior express grant of planning permission.

Reason: In the interest of visual amenity and to safeguard the setting of the nearby listed building in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

(Voting: unanimous)

.....
Chairman