

## South Somerset District Council

**Minutes of a meeting of the Area East Committee held at the Committee Room (Area East) - Churchfield on Wednesday 9 October 2019.**

(9.00 am - 12.20 pm)

**Present:**

**Members:** Councillor Henry Hobhouse (Chairman)

Robin Bastable  
Hayward Burt  
Tony Capozzoli  
Nick Colbert  
Sarah Dyke  
Charlie Hull

Mike Lewis  
Kevin Messenger  
Paul Rowsell  
Lucy Trimnell  
William Wallace  
Colin Winder



**Officers:**

Kelly Wheeler  
Steve Barnes  
Stephen Baimbridge  
Simon Fox  
Alex Skidmore

Case Services Officer (Support Services)  
Play and Youth Facilities Officer  
Specialist (Development Management)  
Lead Specialist - Development Management  
Planning Officer

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

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

The minutes of the previous meeting held on Wednesday 11<sup>th</sup> September 2019, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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

There were no apologies of absence.

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

Councillor Lucy Trimnell declared a personal and prejudicial interest in agenda item 11 (planning application 19/00655/OUT) as she had signed a petition against this planning application prior to becoming an elected member and would leave the room during discussion of the item.

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**71. Date of Next Meeting (Agenda Item 4)**

Members noted that the date of the next scheduled meeting of the Committee would be at the Council Offices, Churchfields, Wincanton on Wednesday 13<sup>th</sup> November at 9am.

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## **72. Public Question Time (Agenda Item 5)**

A member of the public spoke to advise members that she had some confusion over consistency of planning enforcement on buildings which were listed or within conservation areas. She questioned whether SSDC still had a Conservation Officer and provided examples of listed building consents, which she has obtained for her property over the years. She informed members that she was aware of some residential properties situated close to her that had not applied for relevant consents and felt that it was important that enforcement action was taken.

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## **73. Chairman Announcements (Agenda Item 6)**

The Chairman advised that there would be a joint Area East / Area South Committee meeting, which would be immediately followed by a Regulation Committee meeting to consider planning applications 14/02554/OUT and 15/03942/FUL which were for a major application for land at Upper Mudford, Primrose Lane, Yeovil. The meeting would be taking place at 9.30am on Tuesday 29<sup>th</sup> October at The Council Offices, Brympton Way, Yeovil.

He also reminded members that a members site visit had been arranged to view the Upper Mudford development site on the 22<sup>nd</sup> October at 9am.

He also reminded members that there was a scheduled meeting of the Regulation Committee on Tuesday 15<sup>th</sup> October to consider a planning application for land rear of the public house, Broadway Road, Charlton Adam (18/03298/OUT). He also explained that there was also another planning application on the agenda for land off Shiremoor Lane, Merriott.

In response to this announcement, Councillor Colin Winder expressed concern over the access to the planning application site for the proposed development in Charlton Adam. The access will be across land owned by the adjoining public house and he was concerned that there could be some legal concerns for future owners of the properties. He agreed to raise this at the Regulation Committee.

The Chairman also advised that the Annual Parish and Town Council meeting had been arranged for the 10<sup>th</sup> October.

He also advised that a visit to Dawes Twines museum had been arranged for members.

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## **74. Reports from Members (Agenda Item 7)**

Councillor Hayward Burt advised that Templecombe Train Station had received the Best Small Station Award at the National Rail Awards. He commended the Friends of the Templecombe Station volunteers that work very hard at the station.

Councillor Colin Winder requested that SSDC issue a press release to advise when the Churchfields Office would be open to the public. The Chairman agreed that a notice

should be displayed on the door and that once a decision had been made to confirm working arrangement for staff in Area Office and the location of the Area East Committee, he would ensure that a press release would be issued.

Councillor Mike Lewis felt that SSDC had been very supportive to local communities during the Highways England A303 consultation and hoped that the same level of support would continue be given to residents once the work to dual the A303 had commenced.

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**75. Planning Appeals (for information only) (Agenda Item 8)**

Members noted the planning appeals which had been received, allowed or dismissed by The Planning Inspectorate.

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**76. Area East Committee Forward Plan (Agenda Item 9)**

Members noted the Area East Committee Forward Plan.

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**77. Schedule of Planning Applications to be Determined by Committee (Agenda Item 10)**

Members noted the Schedule of Planning Applications to be determined by the Committee.

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**78. 19/00655/OUT - Land OS 9609 Brewham Road, Bruton (Agenda Item 11)**

***Application Proposal: Outline planning permission is sought for the development of up to 60 residential dwellings (Use Class C3), together with associated highways and drainage infrastructure, public open space and landscaping. Details of access are submitted for approval with all other matters (Layout, Scale, Appearance and Landscaping) reserved for later approval.***

The Planning Specialist presented his report to members. He explained that the application was an outline application for up to 60 dwellings and that all matters, except access, would be considered by a later reserved matters application.

He explained to members that there was a slight error in the report where a sentence on page 37 of the agenda had part of a sentence omitted. He clarified that the comments of the County Highway Authority should read; *'However, the matter which has created concern is the pedestrian infrastructure and how new residents who wish to walk to the local services are accommodated bearing in mind Brewham Road has no current infrastructure in place.'*

He summarised a number of late letters of representation, which had been received since the report had been published. He explained that there were 2 letters of objection and 1 letter in support, however advised that they contained no new information that had not already been covered within his report. He advised of one point which had not been covered within his report, which had been submitted from the owner of 1 Bruelands. He explained that although the owner of 1 Bruelands had been contacted by the developer

to negotiate the possible sale of some land adjoining the site, that negotiations had not continued from the developer.

Using a PowerPoint presentation, he provided plans to show the location of the site and photographs of the site and access. He also pointed out the position of the River Brue and the existing residential development of Bruelands.

He explained that the layout plan which had been provided was an indicative plan, however did show how 60 dwellings could be positioned on the site. He also showed the position of the proposed large attenuation pond and advised members that both the Environment Agency and Lead Local Flood Agency were satisfied with the proposal subject to a detailed drainage condition.

He also detailed the access and visibility splay as proposed, explaining that the proposed visibility splay was more than normally required. He also explained that the proposal included a new pavement to link the development to the town, which would be situated the south of the development, adding that a priority system for vehicles approaching from the west, was also proposed on the road along the north of the site. The proposal had been considered and audited by Somerset County Council and had passed the tests which were carried out.

Photographs on the site and the surrounding area, to include the access, were shown to members.

The Planning Specialist advised that a number of planning applications for housing developments had recently been approved in Bruton, which totalled 193 new dwellings. He explained that the additional 60 dwellings which were proposed as part of this application would exceed the minimum target of planned houses to be built in Bruton by 24%. However, he felt that this would not be considered significant.

In summary, he felt that the key considerations for members would be drainage and highway safety, however advised that it was his recommendation that the application be approved.

Councillor Lucy Trimnell spoke in objection to the application. She explained that the additional traffic which would be created by this proposal was a concern, especially when considering other new housing developments in the area. She also felt that the pedestrian access which would be created would be unsafe. She also expressed her concern that classroom numbers would be increased at the primary school and explained that the doctors surgery was already struggling with high numbers of patients. She also commented that new affordable homes would be welcomed by some residents in the town, and this would help the national housing shortage. She summarised that the site was not suitable for development. Having declared a personal and prejudicial interest, she left the room.

Members of the Bruton Town Council spoke in objection to the application. Their comments included;

- Bruton welcomes new, well-designed homes in suitable locations
- The Bruton Town Council plan conducted in 2017 showed a clear need for 2 or 3 bedroom homes as well as affordable homes however the Town Council would only support appropriate, low density dwellings on this site.
- 60 homes is too excessive for this site.

- The Parish Council disagree with the SCC Highway comments as pedestrian routes are unsafe. The SCC Highways Team have been unwilling to confirm when a site visit took place.
- The pavement width, proposed access and turning does not meet SSDC Local Plan policy TA5. The proposal also does not facilitate cycling routes.

Members of the public addressed the Committee to speak in objection to the proposal. Their comments included;

- The footpath can be overrun with vehicles and will be unsafe for pedestrians. There is a steep bank on one side of the road, which is often hit by vehicles.
- The road is frequently used by large vehicles.
- There are missing footpath links, which does not encourage walking or cycling. The route that has been provided is dangerous; most cars drive in excess of 40mph along this stretch.
- The swept path analysis which has been provided is flawed and an alternative access should be proposed.
- The narrowing of the road will make the road more dangerous and will make driving large agricultural vehicles difficult. Trailers will overhang pavement when turning.
- Hedgerows will grow back.
- There is little benefit to the community. The developer has built another scheme in the town and provided only 18% of the development as affordable housing after they promised 35%.
- There are no jobs in Bruton. The proposal does not support policy SS3.
- There have been over 100 objections to the scheme as well as a petition.
- It was disappointing that the Committee meeting was held during the day as it was difficult for some people to attend.
- There are huge traffic problems within the town and along this stretch of road. Recycling vehicles will struggle to access site.
- It is already difficult turning onto Brewham Road from Frome Road.
- Walking to school is already a scary experience. The road is dangerous and often used by lorries and tractors. It will become terrifying if the road is narrowed.
- There are too many houses proposed for the site.
- Concerns over drainage on the site. The existing drain and sewer cannot cope with the rapid surface water drainage. No evidence has been provided to show that the problem will not be worsened by the proposal.
- The site will be built on clay and will become a flood risk.

The agent addressed members to speak in support of the proposal. He explained that there had been no technical objections from any statutory consultees and highlighted that new homes are needed in Bruton. He added that the primary school had offered support to the proposal. He further explained that the proposal will provide high quality and affordable homes and would create opportunities for first time buyers and will allow families to remain in the town together in the town.

A Highways Consultant, representing the agent, addressed members. He explained that all standards and regulations had been adhered to, when designing the proposed access to the site. He explained that he had worked closely with SCC when designing the access and new junction. He felt that the proposed priority scheme would improve the current situation.

The applicant addressed the Committee. He referred to another development in Bruton which Acorn Developments had recently built and explained that this was a successful development, which provided high quality homes. He advised that the proposed development along Brewham Road would also provide high quality homes, which would include some smaller units and some more affordable homes. He understood the highway concerns, adding that a footpath had been proposed to try to overcome some concerns.

In response to a question, the Planning Specialist advised that the applicant would aim to deliver 35% of the development as affordable homes. He also reminded members that the application was for outline planning permission only.

The Chairman explained that the application had been 2-starred in line with the SSDC scheme of delegation and should the committee recommend that the application be refused; the application will be referred to the Regulation Committee for determination.

In response to a question from a member, the Lead Planning Specialist explained that any pre-application advice and comments from the SCC Highways team were included within the report.

During the discussion, concern was raised over drainage and some members felt that 60 dwellings would be overdevelopment of the site. Members also felt that the access and proposed footpath was dangerous and more should be done to encourage walking and cycling.

One member raised concern over the number of new dwellings proposed for Bruton which was considered a rural centre. He felt that this was contrary to both the settlement statement and policy SS5 and that this should be given consideration. He also felt the comments were contrary to policy TA5 as the access and pavement would be unsafe and felt that people would resort to using cars.

Members continue to raise concern over the proposed highway alterations and the proposed footpath. One member also felt that the proposal did not encourage green travel options such as cycling and felt that the environmental strategy should be considered.

Concern was also raised over the existing sewerage system. One member felt that the system would be upgraded before work should commence on the site.

It was proposed that the application should be refused due to the safety concerns over the access, highway alterations and poor footpath links. Members also wished for the application to be refused as the application was contrary to the settlement strategy and to policy SS5. This was seconded by another member.

The Lead Planning Specialist explained to members that Somerset County Council had raised no objection to the planning application, and would therefore not provide any additional support in defending an appeal. He also added that the district council would need to rely on support from the Parish Council in defending the reasons for refusal.

On being put to the vote this was carried 10 votes in support, with 1 abstention.

**RESOLVED:** that planning application 19/00655/OUT be refused, contrary to the officers recommendation, for the following reasons; (and therefore the application is referred to the Regulation Committee)

1. The proposal for up to 60 dwellings would take the level of growth for Bruton up to 253 dwellings over the plan period. This would represent a scale of growth which is 24.6% over the target for this Rural Centre as set out in Policy SS5 of the South Somerset Local Plan (2006-2028). As such, the development would be a significant increase over that envisaged in Policy SS5 and would be contrary to the intended growth strategy and settlement strategy and therefore contrary to Policies SD1, SS1 and SS5 of the South Somerset Local Plan (2006-2028).
2. The development fails to provide inclusive, safe and convenient access on foot and cycle by reason of a narrow footway and contrived routing via Darkey Lane, meaning pedestrians will be forced to walk in the highway east of Darkey Lane creating conflict prejudicial to pedestrian and highway safety. Furthermore the inclusion of a new footway narrows the useable carriageway, especially on the junction of Brewham Rd and Frome Rd, which would result in the overrunning and over-sailing of the footway by HGV and agricultural vehicles, prejudicial to pedestrian and highway safety. The proposal is therefore contrary to Policy TA5 of the South Somerset Local Plan (2006-2028), the National Planning Policy Framework and Manual for Streets.
3. The development, when taken with the existing use of Brewham Rd by existing residential, commercial and agricultural traffic would create a residual impact which is considered severe, contrary to para. 109 of the National Planning Policy Framework.

(voting: 10 votes in support, with 1 abstention)

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**79. 19/01379/S73A - Solar Site Land OS 0034 Bowden Lane (Agenda Item 12)**

***Application Proposal: Construction of a Photovoltaic Park with associated equipment including access track and cable route (without complying with Condition 2 of planning permission 17/00242/S73A, to extend the operational time to 40 years)***

The Planning Specialist presented his report to members, explaining that the site was situated between Henstridge and Milborne Port.

Using a PowerPoint presentation, he provided plans to show the location of the site and photographs of the site and access. He explained to the Committee, that the application was to extend the life of the application by an additional 15 years.

He explained that no technical objections had been received from any statutory consultations and therefore recommended that the application be approved.

Councillor Hayward Burt explained that Templecombe Parish Council had not been consulted by the district council.

In response to a question from a member, the Planning Specialist advised that any financial community benefits which may be provided by the developer were not a planning consideration.

Following the discussion, it was proposed and seconded that the application be approved, as per the officer recommendation.

On being put to the vote this was carried 10 votes in support, with 2 abstentions.

**RESOLVED:** that members approved application 19/0379/S73A for the following reason;

01. The proposal to vary the operational lifespan of the solar farm for a temporary period of 40 years is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan.

**Subject to the following conditions;**

01. The development hereby permitted shall be carried out in accordance with the following approved plans which form parts of the planning permissions dated 19th October 2015 (ref 15/02718/FUL) and 10th March 2017 (ref 17/00242/S73A):

- Planning Layout Drg. No. 1253-0201-01 Issue 04;
- Site Location Plan Drg. No. 1253-0200-05 Issue 01;
- Construction Access and Cable Route Drg. No 1253-0201-05;
- Proposed Compound Area Drg. No. 1253-0201-20 Issue 01;
- CCTV Detail Drg. No. 1253-0204-00 Issue 01;
- Steel and Timber Fencing Detail 22 degrees Panel Angle - Drg. No. 1253-0205-03 Issue 01;
- Mounting System Detail Drg. No. 1253-0206-09 Issue 01;
- Bowden Lane Inverter Station Detail SMA SC Drg. No. 1253-0207-14 Issue 01
- Bowden Lane Satellite Mounting System Drg. No. 1253-0207-20 Issue 01
- Spares Container Detail Drg. No. 1253-0207-40 Issue 01;
- SSE DNO Access Road Section - Drg. No. 1253-0208-10 Issue 01;
- Private Switchgear - Drg. No. 1253-0208-54 Issue 01;
- DNO Switchgear Drg. No. 1253-0208-71 Issue 01;
- Water main easement - Drg. No. 1253-0200-50 Issue 01;
- Drg. No. 1510728 4 Module Quer ES120 1/ 2; and
- Drg. No.1510728 4 Module Quer ES120 2 /2.

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

02. The development hereby permitted shall be removed and the land restored to its former condition before 31 March 2057, or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with the aims of the NPPF and Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan.

03. The site management plan for tree, hedge and grass maintenance of the site approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL) shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

04. The scheme of landscaping and planting approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), having been completely carried out within the first available planting season from the date of commencement of the development, shall, for the duration of this permission, be protected and maintained, and any trees or plants 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 landscape character in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

05. No means of external illumination/lighting, other than those approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL) shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

06. No CCTV equipment or other cameras shall be installed on the site other than that shown on the submitted layout plan ref. 1253-0201-01, in accordance with the CCTV design details submitted with the application.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

07. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity and to safeguard the rural character of the setting in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

08. The means of connection to the electricity grid from the site shall be in accordance with the details approved by the Local Planning Authority under application

15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), unless otherwise agreed in the writing by the Local Planning Authority.

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

09. 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 having been installed prior to the granting of this permission, shall thereafter be maintained and employed for cleaning the wheels of all lorries leaving the site, in accordance with details approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL).

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

10. The details of measures for the benefit of wildlife (e.g. bat and bird boxes, wildflower sowing and management) approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), having been fully implemented prior to the granting of this permission, shall thereafter be maintained unless otherwise approved in writing by the Local Planning Authority.

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

11. The details of the finished colour of the security fencing and the finished colour and position of the CCTV equipment agreed by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), having been carried out prior to the granting of this permission, shall thereafter be retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

13. The details of the access to the site agreed by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), including visibility splays, layout and surfacing materials, having been fully implemented prior to the granting of this permission, shall thereafter be retained and maintained for the lifetime of the permission, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety, and to accord with the NPPF and Policy TA5 of the South Somerset Local Plan.

(voting: 10 votes in support, 2 abstentions)

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**80. 19/01275/LBC - Arion House, 38 High Street, Bruton (Agenda Item 13)**

***Application Proposal: Replacement windows***

The Case Officer addressed the Committee. He advised that it was his recommendation that the application be deferred to a later meeting, to allow time for the applicant to submit more detailed drawings for consideration.

The Conservation Specialist advised that the drawings provided showed 16mm edged glazing and it was his opinion that it would be difficult to create windows to match the existing design of windows of this size. He therefore had suggested to the applicant that alternative design of window should be submitted for consideration.

It was proposed and seconded that the planning should be deferred to allow the applicant to negotiate an acceptable proposal with the development control team.

On being put to the vote this was carried unanimously.

**RESOLVED:** that planning application 19/01275/LBC be deferred to allow the applicant to negotiate an acceptable proposal with the Development Control team.  
(voting: unanimous)

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**81. 19/01505/S73A - Marsh Lane Farm, Marsh Lane, Tintinhull (Agenda Item 14)**

***Application Proposal: Application to remove agricultural occupancy condition (condition 1) of permission 780953.***

The Planning Specialist presented her report to members. She explained that the application was to remove an agricultural tie from an existing bungalow.

Using a PowerPoint presentation, she provided plans to show the location of the site and photographs to show the property and surrounding area. She explained that the bungalow was situated close to Tintinhill in an area of open countryside.

She summarised policy HG10 of the SSDC Local Plan and explained to members that there was no evidence to suggest that the bungalow had been marketing on the open market. It was therefore her suggestion that the application should be refused.

A representative of the Parish Council addressed the Committee. He explained to members that the agricultural tie linking the property to land and agricultural buildings had recently been removed and so were no longer linked to the property. He therefore felt that there was no longer a need for the agricultural tie. He explained to members that it would be unlikely that the bungalow would sell and offered support to the application to remove the agricultural tie, to allow the owners to rent the property.

The agent addressed the Committee. She explained that the bungalow required restoration works which would be costly to the owners and the state of the property would reduce its value if sold. She felt that the condition was no longer required.

Councillor Paul Rowsell, Ward Member, offered his support for the application.

Councillor Tony Capozzoli, also Ward Member, spoke in support of the application.

Councillor Charlie Hull, also Ward Member, offered his support for the application adding that this would help the housing shortage.

During the discussion, some members felt that as no marketing had been carried out, it was difficult to be sure that there was no local demand for a property with an agricultural tie and that the property should have been marketed.

It was proposed and seconded that the application should be approved contrary to the officer recommendation as this was a unique application where the land holding had been released leaving the property with no land and in an inhabitable state.

On being put to the vote this was carried 7 votes in support and 6 against.

**RESOLVED:** that planning application 19/01505/S73A be approved contrary to the officer recommendation for the following reason;

01. The land holding has been released leaving the property with no land, the property is empty and it is unviable to restore to a habitable standard at the reduced value reflecting the agricultural tie, and with acknowledgment of the personal circumstances in this case.

(voting: 7 votes in support, 6 against)

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Chairman