

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Virtual Meeting - Virtual Meeting using Zoom meeting software on Wednesday 8 July 2020.**

(9.00 - 10.45 am)

Present:

Members: Councillor Henry Hobhouse (Chairman)

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

Mike Lewis
Kevin Messenger
Lucy Trimmell
William Wallace
Colin Winder



Officers:

Tim Cook	Locality Team Manager
Netta Meadows	Director (Service Delivery)
Clare Pestell	Director (Commercial Services & Income Generation)
Stephen Baimbridge	Lead Specialist - Built Environment
Trudy Gallagher	Specialist (Development Management)
Stanley Norris	Case Officer - Development Management
Angela Cox	Specialist (Democratic Services)
Michelle Mainwaring	Case Officer (Strategy & Commissioning)

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

173. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the meeting of the Area East Committee held on 10th June 2020 were approved as a correct record and would be signed by the Chairman.

174. Apologies for absence (Agenda Item 2)

There were no apologies for Absence.

175. Declarations of Interest (Agenda Item 3)

Councillor Sarah Dyke declared a pecuniary interest in Agenda item 14. She is the owner and applicant of the Planning Application 20/01065/FUL.

Councillor Robin Bastable declared a personal interest in Agenda item 12: Planning Application 19/01976/FUL. He is a member of the Charlton Musgrove Parish Council.

176. Date of Next Meeting (Agenda Item 4)

Members noted that the next scheduled meeting of the Committee would be held at 9.00am on Wednesday 12th August 2020 using Zoom virtual meeting software.

177. Public Question Time (Agenda Item 5)

There were no questions from members of the public present.

178. Chairman Announcements (Agenda Item 6)

Councillor Henry Hobhouse referred to correspondence received from Bruton Town Council regarding the enquiries to the planning application on the traffic work completed by Somerset County Council on the South Brewham road.

179. Reports from Members (Agenda Item 7)

There were no reports from Members.

180. Area East - Covid-19 Community response (Agenda Item 8)

The Locality Team Manager presented the report and invited members to comment and raise any issues or concerns relating to the current Covid - 19 pandemic within their wards. He updated members on the following:

- Work now being undertaken to help support non-essential retailers and towns on the re-opening of the high streets. This work is ongoing.
- Work has been carried out following the recent government announcement for the re-opening of play areas.

Members raised the following points during short discussion:

- Councillor Bastable asked for further guidance on the opening of small playing fields.
- The Chairman asked for an update on the Octagon Theatre and Westlands Centre as the Wincanton Regeneration project could be affected.
- Councillor Trimnell highlighted that there are some businesses still prevented from opening due to government restrictions. She also noted the positive response from businesses thanking the Council for the support in relation to applying for the grants.
- Councillor Burt asked for an updated list of business not yet applied for grants.

The following responses were given to questions raised:

- There has been work with other councils to have a consistent approach to the re-opening of play areas with signage used to promote a safe operation with users. Risk assessments have been completed and further guidance will be made available for Town and Parish Councils.

- The process of applying for funding for small theatres were not yet published by the government. The Octagon and Westlands have received some funding already, both likely to qualify for further funding when available.
 - The Director of Service Delivery advised that there is still grant money available for businesses and that some may not have applied but are encouraged to do so.
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181. Area East Committee Forward Plan (Agenda Item 9)

Councillor Burt asked when there could be further information on the five year land supply and when this could be discussed at Area East Committee. The Director of Commercial Services and Income Generation will come back with an update on when this can be brought to the meeting.

182. Planning Appeals (Agenda Item 10)

It was noted that there were no planning appeals.

183. Schedule of Planning Applications to be Determined by Committee (Agenda Item 11)

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

Noted

184. Planning Application 19/01976/FUL - Land Os 0700 Part Barrow Lane, Charlton Musgrove (Agenda Item 12)

Proposal: Erection of a dwelling house with new access.

Updates: Since the report was published there have been a further 3 letters of objection referring to the potential loss or damage of the oak tree.

The Specialist, Development Management presented the application as detailed in the agenda and with the aid of a PowerPoint presentation, proceeded to show the site and proposed plans. His Key considerations were as follows:

Policies SS1 and SS2, Impact on local character, Ecology, Highways and impact on green infrastructure, the latter being the predominant issue.

He pointed out the sufficient local services in the area and that there were no ecological or highways issues with the application. The plans show the Oak tree and its root area within the proposed site that is protected with a TPO. The tree officer's previous objection was withdrawn after the plans were amended and the distance between the dwelling and tree was extended further. Both the tree officer and the specialist agreed that the development can be achieved without harm to the Oak tree.

Concerns that the tree could be damaged in the future could not be considered a reasonable likelihood and advised approval of the application with conditions.

A representative of Charlton Musgrove Parish Council then addressed the committee. Her comments included:

- A unity of the villagers in recognising the needed protection of the oak tree
- A previous application on this site that was refused and upheld by SSDC
- A risk of harm to the future growth of the protected oak tree.
- The Parish Council had no objection to further development within the village but does not support this application.

Members of the public then spoke in objection to the proposal. Their comments included:

- The protection of the tree was of high importance to villagers and along with written objections there was also a petition regarding the objection of the application
- The proposed application does not meet the criteria outlined in the national policy framework or the policies in the local plan.
- Felt the distance between tree and development is not sufficient
- The conditions regarding the hedgerow were not implementable as this was not within the ownership of the applicant.

The agent then addressed the committee. He thanked the planning officer for his report. He explained that they addressed the issue the tree officer had with the distance between the dwelling and the tree to ensure that works could be carried out without impacting the tree or its roots. The tree will be protected with fencing and other conditions in the future preventing further development. He asked the application be approved as recommended.

Ward Member Councillor Bastable highlighted the strong response received by local residents. He felt that there are mitigating circumstances that should mean this application is refused. This is due to the close proximity of the tree to the dwelling and the potential loss of the tree. The conditions cannot be policed. The car parking and garden will be under the canopy and future work may then be asked for in relation to the tree. Asked that the committee support in the refusal of the application.

During discussion, members raised comments including the following:

- The site had previously had an application refused by SSDC
- There were queries around the age of the property opposite the site and the distance of that house and the tree being that the house is an older property and much further away from the proposed dwelling.
- The maintenance of the hedgerow not being in the ownership of the applicant and knowing the felling of the ash tree is within the proposal of the application, how that would be managed.
- A separate proposal was made to approve the application

The specialist, Development Management responded with the following:

- There could be a condition where the felling of the ash tree would happen before any further work commenced.
- There was no relevant history included in the report, the old application was not deemed as relevant history.
- A site visit was undertaken by the specialist, development management.

Proposal for Refusal was then seconded with the following reasons:

Policies SS1, SS2 and SS5

The close proximity and potential loss of the Oak tree

Policies EQ2, and EQ5

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A vote was taken on the proposal and there were 8 votes in favour to refuse, 1 against and 2 abstentions.

RESOLVED: That Planning Application No. 19/01976/FUL be **REFUSED** contrary to the officer's recommendation for the following reason:

The development, by reason of its limited access to key services and likely harm to the protected oak tree, and without providing employment opportunities, enhancement of community facilities, or identified housing need, would result in unsustainable development contrary to policies SD1, SS1, SS2, SS5, EQ2, EQ5, and EQ6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

(Voting: 8 in favour for refusal, 1 against, 2 abstentions)

185. Planning Application: 20/00231/FUL - Lavender Keepers, Great Pit Lane, Rimpton (Agenda Item 13)

Proposal: Change of use to land for the siting of a proposed tipi for cafe/farm shop.

The Planning Specialist presented the application as detailed in the agenda and with the aid of a PowerPoint presentation, showed the site and proposed plans.

She referred to Great Pit Lane and the reduced forward visibility both ways, and highlighted the highways report regarding the narrow lane. She noted the revised plan of the Tipi, and showed the height not to be taller than the existing agricultural barn. Half the tipi to be farm shop, the other half the café. The tipi will be seasonal, used between March and October.

There were updates received since the report was published in the agenda:

- A revised plan was resubmitted showing the correct scale of the tipi, so this reason for refusal has now been removed.
- The parish council submitted additional comments, namely reiterating support, and noted that the access to the farm along Great Pit Lane lacks evidence.
- One objection received noted the increasing size of the holding and the potential for further development at the site and the increased traffic on the road that is used by pedestrians and horse riders.
- Further support comments from members of the public, they supported the rural economy and buying local goods, access is convenient and not blocking roads.

The Specialist, Development management explained that the highways officer could not attend the meeting, but gave the additional comments:

- The site was visited on the 20 March 2020.
- There are limited passing places on Great Pit Lane and limited forward visibility with the potential for the farm shop to attract additional traffic on the road.

The key considerations in the report were policies EP4 and EP5, no visual concerns and local support. The main issue being the highway safety concerns on the single track highway and the limited forward visibility of Great Pit Lane.

It was found that the small economic benefit was outweighed by the road safety outlined in the highways report and therefore the recommendation was to refuse permission.

The specialist responded to the Chairman's query about sales at the site, noting that the previous planning application had a controlling condition on retail and that was still in place.

A representative of Rimpton Parish Council addressed the committee and gave the following comments:

- Felt that the highways report of Great Pit Lane did not reflect the road and that Local residents that know and use this road do not have issues with it.
- Many narrow local roads in rural areas, and if this was the reason the application is refused, it surely would stop any economic growth in the countryside and go against policies EP4 and EP5.
- The current location had a light footprint as did the proposed development.
- Requested that the committee approve the application

The applicant then addressed the committee and made the following comments:

- Thanked the residents and all for their support.
- Referred to the tipi being lower in height than the barn.
- The road is used daily, and felt there are 16 passing places and the road is wide enough for 2 cars in areas. Did not feel this that this was an issue.
- They will be selling their own produce in the farm shop.

The Agent then addressed the committee and gave the following comments:

- The highways report had been commented on clearly by local residents that they believed the road was not an issue.
- There were many letters of support.
- The applicant will be selling predominantly their own produce
- A small scale operation that is seasonal and urges to approve the application.

Ward Member Councillor Lewis had the following comments:

- Strong support from the community
- Key issue stated as highways, proved not to be so with locals and the applicant.
- Seasonal opening
- Proposed to go against the recommendation for refusal and approve the application based on policies EP4 and EP5 of the Local Plan.

During a short discussion the following points were raised by members:

- Several voiced the support to approve.
- The role of council was to support the rural economy.
- Felt that the locals knew the area enough for them not to refuse based on the highways report.

- One member queried the Restriction on retail around the butchery and in response the Specialist, Planning Development explained that there is a Retail restriction on the butchery, applied because of the size of the building. This new proposal would supersede the original condition.

Approval was then seconded and put to a vote based on the following reasons:

- Meets Policies EQ2 and SD1, EP4 and EP5 of the Local Plan.

The vote was unanimous in favour of approval.

RESOLVED:

That Planning Application No. 20/00231/FUL be **APPROVED** contrary to the officer's recommendation for the following reasons:

01. Accords with Policies EQ2, SD1 and EP4 and EP5 of the South Somerset Local Plan 2006- 2028.

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 shall be in strict accordance with the following approved plans: Tipi Elevations ref ED/SS579/TIP101 (received 1st July 2020); Visibility Splay ED/SS579/06 (received 23rd April 2020); Block Plan ref ED/SS579/BLOCK1A (received on 2nd March 2020); Site Location Plan ref ED/SS579/LOC1A (received on 2nd March 2020).

Reason: In the interests of clarity and proper planning.

03. The development hereby approved shall only be used seasonally between 1st March and 31st October each year, with the approved tipi being removed from the site at all other times.

Reason: The development was proposed to be seasonal and was assessed as such. A more permanent structure would need to be considered against the relevant policies within the Local Plan, as well as the provisions of the NPPF.

04. The parking and turning area shown on the approved Block Plan and the approved visibility splay must be implemented prior to first use of the development and maintained clear and for that purpose thereafter.

Reason: To ensure adequate parking in accordance with policy TA5 of the Local Plan, the Somerset Parking Strategy and the provisions of the NPPF.

05. No external lighting is to be installed at any time without the prior written consent of the Local Planning Authority.

Reason: In order to prevent light pollution in a rural area and to accord with policy EQ4 and EQ7 of the Local Plan and the provisions of the NPPF.

06. The tipi hereby approved shall be ancillary to the wider agricultural holding known as Lavender Keepers, and shall not be subdivided into a separate planning unit.

Reason: In order to support farm diversification and prevent further intensification of Great Pit Lane, in accordance with policies EP5 and TA5 of the Local Plan and the provisions of the NPPF.

(Voting: Unanimous in favour of approval)

186. Planning Application: 20/01065/FUL - Land Opposite Ridgeway, Rowls Lane, Cucklington (Agenda Item 14)

Councillor Sarah Dyke, having previously declared a personal and pecuniary interest, left the meeting before consideration of this item at 10:36.

Proposal: Erect general purpose agricultural building.

The planning officer noted that this planning application was being presented to the committee under the council's scheme of delegation as the applicant is an elected ward member.

Updates: One letter of support received from a member of the public since the report was published.

The Planning Officer presented the application as detailed in the agenda and with the aid of a PowerPoint presentation, proceeded to show the site and proposed plans.

Key considerations referred to were Character/Appearance and Neighbour comments. He explained that the appearance of the building is as you would expect for an agricultural building, and will be well screened by the surrounding hedgerow and trees in all directions.

In response to the representation from a local resident, the building had been conditioned for agricultural use only, any future development on the site would require a further planning application.

He concluded that the proposal was to approve the application as set out in the agenda report.

Ward Member Councillor Bastable confirmed there had been no comments received on the application and proposed approval that was then seconded.

It was asked if there could be an informative for future use of the site.

In response to members questions The Specialist, Development Management advised members that there are some permitted agricultural development rights but it has been conditioned so that any change of use would require further planning application. An informative highlighting the condition was reasonable.

On being put to the vote this was carried unanimously.

RESOLVED:

That application **20/01065/FUL** be approved for the following reasons:

01. The proposed development by reason of its location, scale, design and use of materials is considered acceptable without detriment to character and appearance, highway safety and neighbour amenity and accords with Policy 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:
 - 20024-01A Location Plans
 - 20024-02 Site and Location Plan
 - 20024-03A Proposed Plans and Elevations

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

03. The external surfaces of the proposed development shall be as indicated on the referenced approved plans and submitted application form. No other external finishing materials shall be used in the alterations without the prior written agreement of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

04. The agricultural building hereby permitted shall not be used other than solely for the purposes of an agricultural use.

Reason: To enable the Local Planning Authority to retain adequate control over the use of the building site hereby permitted in the interests of neighbour amenity and highways safety further to policies EQ8, EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

05. Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:
 - Mon - Fri 08.00 - 18.00
 - Sat 08.00 - 13.00All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

Reason: In the interest of Residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

06. There shall be no burning of materials arising on site during any phase of the site clearance and development.

Reason: In the interest of Residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

(Voting: Unanimous in favour)

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Chairman